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THE ROMAN HISTORY

FROM THE

FOUNDATION of ROME

TO THE

BATTLE of ACTIUM:

THAT IS,

To the End of the COMMONWEALTH.

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THE ROMAN HISTORY.

INTRODUCTION.

THOUGH I have endeavoured in the introduction to the former volume to give ſome idea of the government of the Roman Commonwealth, I have been far from exhauſting that ſubject, which is of very great extent. For the better knowledge of the genius and character of that government, I conceived it neceſſary to inſert a paſſage from Polybius in this place, which I have already made uſe of elſewhere.* I ſhall annex to it, firſt, ſome brief reflections upon the harangues of Livy, and next, for the information of youth, a ſhort ſeries of the principal Epochas, that occur in the hiſtory of the Roman republic, which may aſſiſt their memory in retaining it.

* *In the treatiſe upon the ſtudy of the* Belles Lettres.

SECT. I.

REFLECTIONS OF POLYBIUS.

Upon the different kinds of government, and in particular upon that of the Romans.

Polyb. l. 6. THE different kinds of government are generally reduced to three: in the firſt the King governs, which Polybius calls βασίλειαν, *Regal government*; in the ſecond the Great, the Powerful, have the whole authority, which is termed *Ariſtocracy*; and laſtly in the third, called *Democracy*, the whole power veſts in the People.

Each of theſe governments have another kind which much reſembles it, borders very near upon it, and into which it often degenerates. We ſhall mention it in the ſequel.

The moſt perfect government would be That which ſhould include all the advantages, and obviate all the dangers and inconveniences, of the three former.

Such was that of Sparta. Lycurgus, knowing that each of the three ſorts of government, of which we have ſpoke, had its almoſt inevitable inconveniences; that Monarchy ſometimes degenerated into arbitrary and tyrannical Power, Ariſtocracy into the unjuſt government of ſome few particulars, and the power of the People into a blind, capricious, uncertain Rule; that legiſlator, I ſay, thought it neceſſary to include thoſe three kinds of government in that of Sparta, and in a manner to blend them into one, that the royal authority might be balanced by the power of the People; and that a third Order, compoſed of the elders, and the wiſeſt perſons of the republic, might ſerve as a counter-

poiſe to the two former, to keep them continually in a kind of *equilibrium*, and to prevent the one from exalting itſelf too much above the other. He was not miſtaken in his views, and no commonwealth ever retained its laws, cuſtoms, and liberty, ſo long as that of Sparta. The inſtitutions of Lycurgus indeed would not have been proper for a State, that intended the making of conqueſts, and the aggrandizing of its power: whence we may believe, that thoſe were not the ends he propoſed in his plan. That wiſe legiſlator probably did not make the ſolid happineſs of a people conſiſt in them. His deſign was, that the Spartans, confining themſelves within the bounds of their country, without ever entertaining thoughts of invading the territories of others, ſhould, by their juſtice and moderation ſtill more than by their power, become the maſters and arbiters of the fate of all the other ſtates of Greece; which, in his ſenſe, was no leſs glorious than to make conqueſts abroad. They fell from their glory only by departing from theſe wiſe views, which, we believe, we may juſtly aſcribe to their Legiſlator. For when it was neceſſary to find proviſions, equip fleets, pay ſeamen, and furniſh all expences for a long war out of their country, their iron money was no longer of uſe to them. And this it was that reduced them, all haughty as they were, ſervilely to make their court to the King of Perſia's Satrapæ, in order to get money current every where from them, and to become voluntary ſlaves, till the proper time for ſubjecting them totally by force.

If, ſays Polybius, the glory of a ſtate be made to conſiſt in making of conqueſts, aggrandizing its power, extending its dominions, ruling over many nations, and attracting the

eyes of the whole earth upon it, it muſt be confeſſed, that no government ever had ſo much the advantage, nor was ſo well adapted to the attainment of thoſe ends, as that of the Romans. It united in itſelf, like that of Sparta, the three kinds of government of which we have ſpoke. The Conſuls held the place of Kings: the Senate formed the public council: and the People had a great ſhare in the adminiſtration of affairs. There was only this difference between them; it was not by a plan and deſign concerted from the beginning, but by a kind of caſual ſeries of events, that Rome was led on to this form of government. Each of the three parts, which compoſed the body of the ſtate, had a diſtinct power. The reader will not be diſpleaſed to ſee a deſcription of them in this place, which may contribute very much to the underſtanding of the Roman Hiſtory. Polybius is very extenſive and circumſtantial upon this head.

Power of the Conſuls.

Whilſt the Conſuls reſided at Rome, they had the adminiſtration of all the public affairs. All the other magiſtrates, except the Tribunes of the People, were ſubordinate (1) to them. All that related to the deliberations of the Senate (2) turned upon them. They introduced embaſſadors to it; propoſed affairs; and both worded its reſolutions, and cauſed them to be reduced to writing. It was they, who laid them

(1) *There was alſo a kind of ſubordination between the two Conſuls: for according to the* Valerian *law, the eldeſt had the precedency; and according to the* Julian *law, he who had moſt children.*

(2) *They preſided in, and had the government of, the Senate in a great meaſure; and aſſembled or diſmiſſed it at will.*

before

before the People, who for that purpoſe ſummoned the aſſemblies, in which the common affairs of the ſtate were to be conſidered, who preſented the Decrees of the Senate to them for their examination, and who, according to the importance of things, after an enquiry, which beſides required abundance of formalities, concluded according to the Plurality of voices. To them was confided the care of cauſing the Decrees of the Senate, and the Ordinances of the People paſſed on their motion, to be put in execution. They preſided at the elections of the magiſtrates of the commonwealth. It was for that purpoſe they were ſo often recalled from the army, and both of them ſeldom permitted to be out of Italy at the ſame time.

As to what concerns war and military expeditions, the Conſuls had an almoſt ſovereign power. They had the care of levying armies, of aſſigning the number of troops which each of the allies were to ſupply, and of nominating the officers who were to ſerve under them. When they were in the field, they had power to condemn and puniſh without appeal. They diſpoſed of the public money at diſcretion, and expended what ſums they thought proper; the Quæſtor attending them every where, and ſupplying them out of the fund in his hands with whatever they demanded. To conſider the Roman commonwealth therefore in this part of it, one might almoſt believe it to have been governed by a royal and monarchical authority.

Power of the Senate.

The Senate diſpoſed almoſt abſolutely of the finances and public money. An account was given to them of all the revenues and expences of the ſtate; and the Quæſtors could deliver

no ſum, except to the Conſuls, without a decree of the Senate. It was the ſame in reſpect to the expences, which the Cenſors were obliged to be at for keeping up and repairing the public buildings.

The Senate appointed commiſſioners for taking cognizance of and trying all extraordinary crimes committed at Rome and in Italy, that required the attention and authority of the public: ſuch as treaſon, conſpiracy, poiſoning, and murder. The Cauſes and affairs of private perſons or cities that related to the ſtate, were alſo under its peculiar juriſdiction. It was the Senate that ſent embaſſies, cauſed war to be declared againſt the enemies of the commonwealth, granted audience, and gave anſwers to the deputies and embaſſadors of Princes and States. They alſo ſent commiſſioners to enquire upon the ſpot into the complaints of the Allies, to regulate limits and frontiers, to eſtabliſh good order in the provinces, and to decide differences between Kings and States. Hence a ſtranger, who ſhould have come to Rome in the abſence of the Conſuls, might have believed the government of the commonwealth entirely ariſtocratical, that is to ſay, in the hands of the (1) old and wiſe.

Power of the People.

The power of the People was however very conſiderable. The privilege of rewarding and puniſhing, wherein the moſt eſſential part of government conſiſts, veſted ſolely in them. They often laid fines upon thoſe who had exerciſed the higheſt offices; and alone had right to paſs ſentence of

(1) *Or of the nobility; from* ἄριστος, the beſt, *and* κρατος, power; *or more properly from* τῶν ἀρίστων κράτος, optimorum, ſive optimatum poteſtas.

death

death upon Roman citizens. In the latter caſe a cuſtom, very laudable according to Polybius, was obſerved at Rome. This was, to leave the perſon accuſed of a capital crime at liberty to prevent ſentence from being paſſed upon him, and to retire into ſome neighbouring city, where he paſſed the reſt of his days unmoleſted in voluntary baniſhment. The People by their ſuffrages conferred all offices and dignities, which in a republic are the moſt illuſtrious rewards of merit and probity. They alone had right to inſtitute and aboliſh laws: and, which is ſtill more conſiderable, war and peace, alliances, treaties, and conventions with foreign States and Princes, were deliberated upon and determined by them. Who would not have thought ſuch a government abſolutely popular and Democratical?

Mutual dependance of the Conſuls, Senate, and People.

It is this mutual dependance of the different parts of a commonwealth, that conſtitutes its ſecurity, ſtrength, and beauty. From this reciprocal neceſſity for each other reſults a kind of harmony between the different members of a ſtate, and an unanimous ſupport and concurrence, which, keeping them all ſtrictly united by the tie of common intereſt, renders the whole body invulnerable and invincible to foreign force.

We have ſaid before, that the Conſul had almoſt ſovereign power in time of war. He however depended abſolutely in many things both on the Senate and People. For on the one ſide the neceſſary ſums for the proviſions, cloaths, and pay of the ſoldiers, were delivered only by order of the Senate, and the refuſal of

thoſe ſupplies made the general incapable of undertaking any thing, or of carrying on his enterprizes ſo far as he might deſire. The ſame Senate, at the end of the year, could either continue him who had been Conſul in the command of the army, or appoint him a ſucceſſor, and thereby had it in their power either to grant, or deprive him of, the glory of terminating the war. And laſtly, it depended on the Senate either to leſſen or exalt the luſtre of the general's exploits: for they both decreed (1) the honour of triumphs, and regulated the expences that were neceſſary in thoſe auguſt and pompous ſolemnities. On the other ſide, as the People decreed wars, confirmed or cancelled treaties with foreign States and Princes, and at the end of the campaign made the generals render an account of their conduct, it is eaſy to perceive, how attentive it was neceſſary for them to be, in order to conciliate the favour of the People.

As to the Senate, though its power was ſo great in other reſpects, it was however under reſtraint, and in ſubjection in many points to that of the People. In great affairs, and eſpecially thoſe affecting the lives of the citizens, the People's authority was requiſite. When any laws were propoſed, even ſuch as tended to the diminution of the rights, honours, and prerogatives of the Senate, and the retrenching of

(1) *Livy tells us,* Lib. 3. c. 43 *that when the Senate refuſed the honour of triumph to the Conſuls Valerius and Horatius, upon account of their having acted highly in favour of the People, the Tribune Icilius propoſed their triumphing to the People, which honour the People then granted for the firſt time without the authority of the Senate.*—— Quum ingenti conſenſu patrum negaretur triumphus, L. Icilius Tribunus plebis tulit ad populum de triumpho Conſulum. ——— Tum primùm, ſine auctoritate Senatus, populi juſſu triumphatum eſt.

the

the eſtates of the ſenators by a new diſtribution of the conquered lands, it was at the People's option either to receive or reject them. But what moſt argued their power, was, that if only one of their Tribunes oppoſed the reſolutions and enterprizes of the Senate, that oppoſition ſufficed for putting an immediate ſtop to them, ſo that after it the Senate could proceed no farther.

And laſtly, the People on their ſide had alſo great intereſt in obſerving meaſures with the Senators, whether in general, or particular. The receivers of taxes, cuſtoms, tributes, in a word, of all the duties and revenues of the ſtate; the Undertakers, who ſupplied the armies with proviſions, repaired the temples and other public buildings, and had the care of the highways; theſe perſons formed numerous ſocieties, who were of the order of the People, including the Roman Knights, and ſubſiſted a great number of the citizens, ſome being employed in collecting the revenues, ſome ſerving as ſecurity for the tax-farmers, and others lending their money to make the neceſſary advances, and thereby putting it out to advantage. Now the Cenſors diſpoſed of theſe farms to ſuch ſocieties as offered themſelves for that purpoſe, and alſo aſſigned the different works that were to be done to the Undertakers: and the Senate, either by itſelf, or commiſſioners nominated expreſsly, adjudged without appeal all diſputes that aroſe concerning theſe matters, whether the queſtion were ſometimes to cancel agreements that were become impracticable, and to grant farther time for the payment of money; or that it were neceſſary to reduce the rent of the farms upon account of ſome unhappy accident. And, which was ſtill more capable of inſpiring the People

with ſubmiſſion and reſpect for the decrees of the Senate, it was out of their body that the judges * of all affairs public and private of any importance were generally choſen. The citizens were no leſs obliged to obſerve meaſures and keep fair with the Conſuls, upon whom they all depended, eſpecially in time of war, and when they ſerved under them in the army.

It was this mutual dependance and concert of all the orders of the commonwealth, that rendered the government of Rome the moſt perfect that ever was in the world.

When we read in the beginnings of the infant-republic, and the ſucceeding years, thoſe almoſt continual ſeditions, which ſo long divided the Senate and People, and that kind of inteſtine war between the Conſuls and Tribunes, we are amazed, and with reaſon, how it was poſſible for a ſtate, agitated by ſo frequent and violent convulſions, not only to ſubſiſt, but at the ſame time to ſubject all its neighbours, and ſoon after to extend its conqueſts into very remote regions. Polybius gives us a very ſolid reaſon for it, highly for the honour of the Roman People. It is, that when the Republic was attacked by a foreign enemy, the fear of the common danger, and the motive of public good, ſuſpended domeſtic feuds, and reinſtated union. The love of their country then was in a manner the ſoul that put all the parts and members of the State in motion, every one ſtriving, in emulation of each other, to acquit himſelf of his functions, and diſcharge his duty, whether the queſtion were to form reſolutions with maturity and wiſdom, or to put them in execution with expedition and vigour.

* *The form of trials was changed in proceſs of time.*

And

And it was this good underſtanding and unanimity that rendered the commonwealth always invincible, and occaſioned the conſtant ſucceſs of its enterprizes.

It was this ſame conſtitution of the Roman government, that ſtill ſupported the commonwealth, and cauſed it to ſubſiſt for ſome time, even when the citizens, delivered from the fear of foreign enemies, grown haughty and inſolent from their victories, enervated by riches and voluptuouſneſs, and corrupted by praiſes and flattery, began to abuſe their power, and to commit a thouſand violences and oppreſſions. For in that ſtate of things, the authority of the Senate, and that of the People, being always counterbalanced by each other, when the one attempted to exalt itſelf, the other immediately united all its forces to pull it down, and keep it within due bounds. Thus by this reciprocal equality, and balance of power and credit, the commonwealth, whilſt it ſubſiſted, retained its liberty and independance.

SECT. II.

Reflections upon Livy's Harangues.

LIVY, principally on the occaſion of the differences between the Senate and People, repeats the ſpeeches made on both ſides, which are paſſages of conſummate eloquence. Many, who want neither taſte nor capacity, are offended at the length of this kind of harangues, which occur from time to time in our hiſtorian. To judge rightly of them, in my opinion, it is but juſt to place ourſelves in the country and ages in queſtion, to ſet before our eyes their manners and cuſtoms, and to call to mind the methods in

in which the public affairs were tranſacted at Rome. I ſhall repeat ſome examples of them in this place, which will ſet the thing in a clearer light.

The Military Tribunes, having changed the ſiege of Veii into a blockade, reſolved to make the troops winter there, which had not before been practiſed amongſt the Romans. The Tribunes of the People oppoſed that innovation. Appius refutes them with force, and ſhews that it is for the honour of the Roman people to continue that ſiege till the place is taken. When the queſtion is to rebuild the city of Rome, after its having been burnt by the Gauls, the Tribunes of the People, in order to ſpare individuals expence and trouble, are for transferring the ſeat of the commonwealth from Rome to Veii. Camillus harangues the People, and ſhews what a misfortune and crime it would be to abandon Rome. The Tribune Canuleius demands, that the law, which prohibited the intermarriages of the Patrician and Plebeian families, ſhould be annulled, and proves how unjuſt that prohibition is in itſelf, and how injurious to the People.

Theſe are affairs of the laſt importance, which were treated in the Aſſemblies of the People, who were the natural Judges of them. To carry the ſuffrages, it was neceſſary to ſet an affair in all its light, to ſhew its advantages and inconveniences, to explain all its conſequences in a clear and lively manner, to anſwer ſuch objections as might be made to it, and refute with force the reaſons of opponents. This is what rendered the talent of ſpeaking ſo neceſſary at Rome, as well as Athens, and occaſioned eloquence to be carried to ſo high a degree of perfection in thoſe two republics. And the ſame

reaſon

reaſon induces the Engliſh to cultivate it with ſo much care at this day, becauſe it is by That affairs are carried in the two houſes of parliament.

Now can an hiſtorian, who relates what paſſed at Rome in the aſſemblies of the Senate and People, diſpenſe with giving ſome idea of the ſpeeches made in them, that had ſo great a ſhare in determining events? Is it not from theſe harangues, that we have our knowledge of what is moſt eſſential in hiſtory, of what is in a manner its ſoul, I mean the reaſons and motives that determined the paſſing ſuch a law, the making ſuch an inſtitution, the undertaking ſuch a war? Does it not argue an hiſtorian's wit and addreſs, to put theſe reflections in the mouth of ſome illuſtrious Roman *moſt active in the affair*, inſtead of making them in his own perſon, which would greatly diminiſh their force and authority?

To know whether theſe ſpeeches were actually made by the perſons to whom they are aſcribed, is not the queſtion. It ſuffices, that they contain what they ought to have ſaid. Thoſe Romans, accuſtomed to ſpeak in the aſſemblies, had an eloquence ſo much the more eſtimable, as it was more natural. They ought to have reaſoned as we find in their diſcourſes, and no doubt they did ſo with much greater extent. The harangues of Livy on the three occaſions mentioned above, though they are the longeſt in that hiſtorian, ſcarce take up half a quarter of an hour to read them, and conſequently, are very remote from the length of thoſe, which were actually ſpoken in the aſſemblies.

I believed

I believed this reflection neceſſary, not only in defence of Livy, whoſe ſpeeches are often imputed to him as a fault, but for my own vindication when I inſert them in my hiſtory, though I often abridge them.

There is one thing which always leaves the reader uncertain, and at a loſs, with reſpect to the harangues ſpoke either in the Forum, or the Field of Mars, the two places, in which the Aſſemblies of the Roman People were uſually held. When two orators, opponents to each other, ſpoke upon affairs of the higheſt importance, that were to be determined by the People, how is it to be conceived, that in places of ſo vaſt extent, they could make themſelves heard by the whole multitude, and that all the citizens could give their votes with entire knowledge of the affair, and according to the effect of the orators arguments upon them?

In order to this, they muſt have had clear, diſtinct, and ſtrong voices, and lungs capable of extraordinary efforts: it is in theſe terms Cato expreſſes himſelf, where he ſpeaks of the harangue, which he pronounced for the Law Voconia. *Cum ego quidem——Legem Voconiam voce magna & bonis lateribus ſuaſiſſem.* But whatever efforts an orator might make, who ſpoke before ſo vaſt a multitude, and in a large ſquare or Forum, it was morally impoſſible for him to be heard by the moſt remote in the aſſembly. Wherefore, when it came to the People's turn to deliberate, as the citizens retired each to their reſpective Tribe or Century, the perſons who propoſed the affair to their conſideration, undoubtedly repeated in few words the principal reaſons advanced on both ſides. Thus the People did not give their ſuffrages at a venture, and without being informed concerning the affair in queſtion.

De ſenect. n. 24.

queſtion. Beſides which, independently of the diſcourſes of the orators, they had both time and means to inform themſelves of it, becauſe *twenty-ſeven days were always to elapſe between the propoſal of a law, and the voting of the People upon it. It is certain, that all the affairs of the commonwealth were tranſacted in this manner.

SECT. III.

Principal Epochas of the Roman hiſtory from the foundation of Rome to the battle of Actium.

ONE of the things, which may contribute moſt to give order and clearneſs to the ſtudy of hiſtory, is to diſtribute the whole body of an hiſtory into certain parts and intervals, that preſent at firſt view a kind of general plan of it to the mind, ſhew its principal events, and make known its ſeries and duration. Theſe diviſions ought not to be multiplied too much; otherwiſe they might occaſion confuſion and obſcurity.

The whole time of the Roman Hiſtory from Romulus to Auguſtus, ſeven hundred and twenty-three years, may be divided into five parts.

THE FIRST takes in the reigns of the ſeven Kings of Rome, and includes 244 years. A. R. 1. Ant. C. 751.

THE SECOND is from the inſtitution of Conſuls to the taking of Rome by the Gauls, and continued 120 years, from the 245th to the 365th year of Rome. It includes the inſtitution of the Conſuls, of the Tribunes of the People, of the Decemviri, of the Military Tri- A. R. 245. Ant. C. 507.

(1) Tribus Nundinis, *three market-days. Every ninth day was the market-day, when the inhabitants of the country came to Rome.*

bunes

bunes with Conſular authority, and the ſiege and taking of Veii.

A. R. 365. Ant. C. 387. THE THIRD is from the taking of Rome to the firſt Punic war; the ſpace of 123 years, from the 365th to the 488th. It includes the taking of Rome by the Gauls, the war with the Samnites, and that againſt Pyrrhus.

A. R. 488. Ant. C. 264. THE FOURTH is from the beginning of the firſt Punic war to the end of the third, and contains 119 years, from the 488th to the 607th. It concludes the firſt and ſecond Punic wars, the wars againſt Philip King of Macedonia, Antiochus King of Aſia, Perſeus the laſt King of Macedonia, the People of Numantia in Spain, and laſtly, the third Punic war, that terminated with the taking and ruin of Carthage: about which time Corinth was taken and deſtroyed.

A. R. 607. Ant. C. 145. THE FIFTH is from the ruin of Carthage to the change of the Roman commonwealth into a monarchy under young Cæſar Octavianus, afterwards ſirnamed Auguſtus, and continues 116 years; from 607 to 723. It includes the taking of Numantia: the domeſtic troubles excited by the Gracchi: the wars with Jugurtha, the allies, and Mithridates: the civil wars between Marius and Sylla, Cæſar and Pompey, and between the Triumviri and the defenders of the republican government. This laſt war was terminated by the battle of Actium, and the inſtitution of the ſovereign and monarchical authority in the perſon of young Cæſar.

A. R. 721 & 723. Ant. C. 31 & 29.

BOOK

ITALY

PROPERLY SO CALLED

For the understanding Mr. ROLLIN's Roman History

BY THE Sr. D'ANVILLE

Geographer in Ordinary to Lewis XV

December 1738.

Roman Miles each 754 Stadia.

25 50 75 100

Stadia or Furlongs of 9 Greeks 8 to a Mile.

100 200 400 600 800

French Leagues of 3000 Geometrical Paces.

5 10 15 20 25 30

NB. A Roman Mile consisted of 967 Paces English, which is 33 Paces less than an English Mile; so that 100 Roman Miles are 96 Miles, 300 Paces, English; & 30 French Leagues.

R.W. Seale Sculp.

BOOK THE FOURTH.

THIS fourth book contains the ſpace of ſixteen years, from the 290th to the 306th year of Rome. The four laſt years include the hiſtory of the Decemviri, and the inſtitution of the XII Laws, commonly called the laws of the XII Tables.

SECT. I.

Extreme danger of the Conſul Furius amongſt the Æqui. Plague at Rome: enemies repulſed. The Tribune Terentillus propoſes a law for eſtabliſhing fixed laws, the adminiſtration of juſtice being till then arbitrary. Diſputes are renewed concerning the laws. Cæſo Quintius, young Patrician, who oppoſed the new law, is baniſhed. L. Quintius Cincinnatus, his father, out of regret, retires into the country.

AULUS POSTUMIUS. A. R. 290.
SP. FURIUS. Ant. C. 462.

Extreme danger of the Conſul Furius amongſt the Æqui.

FURIUS, who had lately been elected Conſul, on his arrival in the country of the Hernici, found the Æqui there ravaging the lands. Without knowing the number of their troops, he attacked them imprudently, and was obliged to retire into his camp with loſs. The enemy beſieged him there the next day, and ſhut him up ſo cloſe, that it was not poſſible for

A. R. 290. Ant. C. 462. him to ſend off a courier, to carry that news to Rome. The Hernici gave advice of it. The alarm was great. The Senate ordered the other Conſul *to take care that the commonwealth ſuffered no damage: Videret ne quid detrimenti reſpublica caperet.* This form gave the Conſuls an abſolute power, and was only uſed upon occaſions of extreme danger. They alſo cauſed all ſhops and tribunals of juſtice to be ſhut up: which was called *Juſtitium indicere.* Poſtumius levied troops with the utmoſt expedition, and ſent them immediately to his collegue. In the mean time Furius made a ſally upon the enemy, and put them to flight. His brother, with a detachment of a thouſand men, followed the purſuit with too much eagerneſs, and being ſurrounded on all ſides, was killed fighting valiantly; and all his (1) troops were cut to pieces. On the firſt advice of his brother's danger, the Conſul advanced to his aid, and was wounded himſelf. The enemy, encouraged by this double ſucceſs, purſued the Conſul to his camp; and would perhaps have forced it, if the aid ſent from Rome had not arrived very opportunely. The Æqui were defeated more than once. Furius returned victorious to Rome. But the death of his brother, with the loſs of a great number of officers and ſoldiers, who were killed on different occaſions, left no room for rejoicing.

A. R. 291. Ant. C. 461.

L. ÆBUTIUS. (2)
P. SERVILIUS.

Plague at Rome: enemy repulſed.

The plague, which had already appeared at Rome, raged anew with greater virulence than ever.

(1) *Some ſay they choſe to die fighting rather than ſurrender their arms.*

(2) *The time when the Conſuls entered upon office is not certain from Brutus to theſe*

ever. The number of ſlaves, day-labourers, and of the common people which it ſwept away is inconceivable. At firſt the dead bodies were carried away in carts: but the number of them became ſo prodigious, that they were obliged to throw thoſe of the meaner ſort into the Tiber. Amongſt the perſons who died of this diſtemper, were included the fourth part of the Senate; of which number were both the Conſuls, and more than half the Tribunes. A. R. 291. Ant. C. 461.

When the news of this diſaſter ſpread into the neighbouring countries, the Æqui and Volſci believed the occaſion very favourable for ruining the Roman power, and entered into a league which they ratified by oath. After having ravaged the territories of the allies of the Roman people, they approached very near the city. The conſternation there was inexpreſſible. Rome ſaw itſelf without either chiefs or forces. The tutelary gods of Rome, ſays Livy, defended it: that is to ſay, Divine Providence preſerved it from ſo great a danger. The enemy, undoubtedly through fear of the contagious air, that deſtroyed univerſally in the city and country, and attracted by the hopes of conſiderable ſpoils, directed their march towards Tuſculum, which was an opulent country. Thus the tranquillity of Rome was reſtored, and the diſtemper ceaſed by degrees.

theſe Conſuls, who Livy tells us, began their adminiſtration the firſt of Auguſt. That time varied very much till the year of Rome 599, *when it was decreed that the Conſuls for the future ſhould enter upon office the firſt of January, which inſtitution took place to the end of the common-wealth.* Liv. lib. xlvii. 36.

A. R. 292. Ant. C. 460.

L. LUCRETIUS TRICIPITINUS.
T. VETURIUS GEMINUS.

A ſpeedy vengeance was taken of the enemy. They were attacked and entirely defeated in ſeveral actions, in which they loſt the greateſt part of their troops.

The Tribune Terentillus propoſes a law for eſtabliſhing a fixed form for adminiſtring juſtice.

Peace without doors made way for domeſtic troubles. The ſubject of them was new, and regarded the laws, and the rights of the People. Rome had not yet any eſtabliſhed form of adminiſtring juſtice. In the earlieſt times the Kings diſpenſed it in perſon, and their judgments had the force of law. From the royal authority's being transferred to the Conſuls, with the other functions of the ſovereignty, that of rendering juſtice veſted in them, and, as the Kings had done, they adjudged cauſes almoſt arbitrarily. The laws were few in number, and known only to the Patricians, who alone were magiſtrates, and poſſeſſed all the ſcience, civil and religious, at that time in Rome.

The affair is deferred.

C. Terentillus Arſa, Tribune of the People, undertook to eſtabliſh a fixed form for adminiſtring juſtice, and to limit judgments by laws known to all. He choſe his time when the Conſuls were abſent. "He had prepared the "People for his purpoſe by continual invectives "againſt the haughtineſs of the Patricians, and "eſpecially againſt the Conſular authority, car-"ried, according to him, to a moſt ſhameful "exceſs, and become inſupportable to a free "city. He urged, that it differed from the "deſpotic power of Kings only in name, but "that in effect it had ſomething ſtill more odi-"ous in it: That inſtead of one maſter they had two,

" two, who arrogated to themſelves a power A. R. 292. Ant. C. 460.
" without either reſtraint or bounds; and who
" being independant, and without controul,
" themſelves, made the whole terror and ſeve-
" rity of the laws fall upon the People: That
" to put a ſtop to ſuch licence, he ſhould de-
" mand that five commiſſioners might be ap-
" pointed to prepare laws for regulating the
" Conſular authority: That, in conſequence,
" the Conſuls would have no other right over
" the People, than the People themſelves
" ſhould think proper to give them; it not
" being juſt, that the People ſhould have no
" other law, but the paſſion and caprice of the
" Conſuls."

This new plan of laws terrified the Senators, and made them fear, that the Tribune would take the advantage of the abſence of the Conſuls, for impoſing this new yoke upon them. Q. Fabius, without loſs of time, aſſembled the Senate as governor of the city: for his office gave him that right in the abſence of the Conſuls. He gave a looſe to his indignation againſt the Tribune's raſh and ſeditious enterprize, which tended to nothing leſs than ſubverting the whole form and order of the preſent government. " And beſides, ſaid he, what time has he
" choſen for attacking the commonwealth?
" Why, when it is without either chiefs or de-
" fence. If the year before, in the midſt of
" the plague and the war, the gods in their an-
" ger had given Rome ſuch a Tribune, the
" ſtate had been ruined entirely. The two
" Conſuls being dead, and the city afflicted
" with diſeaſe and in general confuſion, he
" would have propoſed the abolition of the
" Conſulſhip, and have put himſelf at the head
" of the Æqui and Volſci to attack the city.

A. R. 292. Ant. C. 460. "With what pretext could he cover ſo pernicious a deſign? If the Conſuls oppreſſed any citizen, and abuſed their authority, were they not to be cited before the People, and obliged to have the Plebeians themſelves for their judges, of which body the complainant was one? That to act as Terentillus did, was not to render the Conſular authority, but the Tribunitian power, odious, and wilfully to diſturb the peace and union re-eſtabliſhed between the two Orders. Fabius afterwards aſſuming a milder behaviour, addreſſed himſelf to the other Tribunes, and deſired them to intercede with their collegue, to wait the return of the Conſuls." They complied, and the affair was ſuſpended.

The Conſuls were immediately ſent for. Lucretius returned laden with ſpoils and glory. A triumph was decreed him unanimouſly: but as he was more intent upon the public intereſts than his own, his ſole care was to pacify the People, and put an end to diviſion. Several aſſemblies both of the Senate and People were held. The Tribune at length gave way to the Conſul's authority, and deſiſted from his propoſal. Lucretius then received the honour, of which he ſeemed the more worthy from his own delay of it. He triumphed with his army over the Volſci. The leſs triumph, called *Ovatio*, which has been explained elſewhere, was granted to the other Conſul.

A. R. 293. Ant. C. 459.

P. VOLUMNIUS.
SERV. SULPICIUS.

Dreadful prodigies. Terrible prodigies were ſeen the beginning of this year: the heavens all on fire, great earthquakes, and a cow that ſpoke. A dreadful ſhower

ſhower fell, not of hail or ſnow, but of bits of flesh. Birds of all kinds devoured part of it; and what remained in the city and country lay a long time without changing colour, corrupting, or occaſioning a bad ſmell. The books of the Sibyls which were conſulted, declared, that the city was threatned with an irruption of ſtrange enemies, who would reduce it to the brink of deſtruction; and that it was neceſſary above all things that ſeditions ſhould ceaſe. The Tribunes did not fail to ſay, that the laſt article was added expreſsly to prevent the promulgation of the Law for eſtabliſhing known Laws; and were not in the wrong. A. R. 293. Ant. C. 459.

Livy in his hiſtory often relates this kind of prodigies; which has given occaſion to accuſe him of a ſtupid and ſuperſtitious credulity. But he was far from believing what he ſaid of them, as he declares in ſeveral places. (a) *At Rome, or in the neighbourhood*, ſays that hiſtorian, *many prodigies happened this winter, or (which is uſual when once ſuperſtition has taken hold of a People) many were reported, and believed by credulity.* Beſides which, as he found thoſe prodigies related in the annals of the Pontiffs, and the decrees of the Senate, that ordained the expiation of them, the fidelity of hiſtory did not permit him to ſuppreſs them. (b) *I made a kind of ſcruple of conſcience*, ſays he again, *to conſider things as unworthy of a place in my Annals, which perſons of conſummate prudence had deemed*

(a) Romæ, aut circa urbem, multa eâ hieme prodigia facta, aut (quod evenire ſolet motis ſemel in religionem animis) multa nunciata, & temerè credita ſunt. *Liv.* l. 21. c. 62.

(b) Quædam religio eſt, quæ illi prudentiſſimi viri publicè ſuſcipienda cenſuerint, ea pro indignis habere quæ in meos annales referam. *Lib.* 43. *c.* 1.

A. R. 293. Ant. C. 459. *worthy of being expiated by public ſacrifices.* Every body knows, that theſe prodigies made part of the religion of the antients: but I believe nobody will take offence at my not being too ſcrupulous in relating them.

The diſputes concerning the law Terentilla are renewed.

The domeſtic troubles began again concerning the new law, which all the Tribunes in concert ſupported with vigour. The ſubſtance of it was to this effect: "That the People in the "*Comitia* duly aſſembled, ſhould chuſe *Decem-* "*viri*, (that is to ſay, ten commiſſioners) ve- "nerable for their age and wiſdom: that thoſe "magiſtrates ſhould prepare a body of Laws, "to ſerve as fixed rules in all affairs public and "private: that they ſhould report them to the "People, and afterwards that they ſhould be "fixed up in the Forum, in order that every "one might have cognizance of them; and "that the magiſtrates ſhould be ordered to con- "form to them in all differences and diſputes "whatſoever from thenceforth."

The Conſuls and Patricians proteſted, that they would never permit laws to be propoſed, in which the Senate had no part. They remonſtrated, that laws were conventions, into which a whole ſtate, and not a part of it only, ought to enter. Never had diſputes been more warm. Both ſides ſeemed to prepare in a manner for a battle, that was to determine the public liberty.

Cæſo, young Patrician, who oppoſed the new law, is tried, and retires into baniſhment.

Amongſt the Patrician Youth, Cæſo Quintius, the ſon of L. Quintius Cincinnatus, had at that time moſt credit and the greateſt number of Partiſans. His birth and great fortune gave him the preference to any perſon of his age. Beſides which, his perſon was advantagious, his valour and capacity in war unequalled, and he had an happy genius for ſpeaking. This young

young Senator (*a*), ſurrounded by a great body of the Patricians, was conſpicuous amongſt the reſt, and as if all Conſular and Dictatorial power were included in his ſingle voice and force, he ſuſtained alone all the ſtorms of the Tribunitian fury and the People's violence. He inceſſantly inveighed againſt the Plebeians, without ſparing either the harſheſt terms, or the moſt outragious treatment. A. R. 293. Ant.C. 459.

The Tribunes, exaſperated to the higheſt degree, vowed his deſtruction. Virginius, one of them, cited him before the People. That citation, far from abating his courage only enflamed it. He ſtill perſiſted in oppoſing the law with more ardor than before; redoubled his inſults and reproaches of the Plebeians, and attacked the Tribunes without any reſerve, as having then a juſt cauſe for making war upon them. They were not ſorry for that, as they ſaw he only enraged the People the more againſt him, and ſupplied them with new matter of grievance. When the day for his appearance arrived, and Cæſo ſaw the danger at a nearer view, he grew extremely more humble, and aſſuming the air and tone of a (1) ſuppliant, ſubmiſſively implored the People's clemency. All the moſt illuſtrious Senators intereſted themſelves warmly in his behalf, and gave an authentic teſtimony of his diſtinguiſhed merit. Lucretius

(*a*) Hic cum in medio Patrum agmine conſtitiſſet, eminens inter alios, velut omnes dictaturas conſulatuſque gerens in voce ac viribus ſuis, unus impetus tribunitios populareſque procellas ſuſtinebat. *Liv.* l. 3. c. 11.

(1) *This is Livy's account of Cæſo's behaviour on this occaſion, which Dionyſius Halicarnaſſenſis contradicts. The latter ſays, that when Cæſo was called upon to plead, he refuſed to own the juriſdiction of the Aſſembly, and offered to ſubmit to the judgment of the Conſuls, whom he affirmed to be his legal judges.*

eſpecially,

A. R. 293. Ant. C. 459. eſpecially, who had been Conſul the year before, all glorious from his late triumph, divided the honour of it with him, extolling the valour which he had ſhewn in the battle, and repeating, as an eye-witneſs, the acts of bravery by which Cæſo had ſignalized himſelf. He exhorted the People not to ſuffer a young Patrician of ſuch excellent qualities to be loſt amongſt ſtrangers, who could not but be of the greateſt advantage to any city that ſhould receive him. He added, "That the impetuoſity of his genius which gave offence would continually abate with time; and that what he now wanted, that is to ſay, coolneſs of temper and prudence, would every day improve and gain ground in him. That his faults ſubſiding, and his good qualities perpetually advancing towards maturity, they might well ſuffer ſo great a man to thrive and grow old in his country." Quintius his father, ſirnamed Cincinnatus, did not touch upon his ſon's praiſes, to avoid irritating envy, "but endeavouring to mollify the People, and incline them to lenity by his earneſt intreaties and tears, he conjured them, if he had never injured any one either in word or deed, and his life and conduct had been hitherto irreproachable, that they would grant him their grace for a ſon worthy of compaſſion, and pardon ſomething to his years and imprudence."

The People, moved at the ſight and tears of that venerable old man, ſeemed diſpoſed to favour Cæſo; when the Tribune, who perceived it, immediately produced a witneſs he had ſuborned: this was Volſcius, who had been Tribune of the People ſome years before. He depoſed againſt the accuſed, that himſelf and his brother,

brother, returning from ſupper at a friend's houſe, had been attacked by Cæſo, in company with ſome other young perſons as wicked as himſelf. That his brother was killed upon the ſpot, and that himſelf had been left for dead, and had not recovered his health without great difficulty. This account entirely changed the diſpoſition of the People, who were very near paſſing ſentence of death upon the pretended criminal directly. The Conſuls put a ſtop to that extravagance and fury, by repreſenting, (*a*) that an accuſed perſon, who was not condemned, and who had not had time to make his defence, could not be legally treated in that manner. The ſentence was deferred till another day, and at the father's requeſt the ſon was ſuffered to depart, (1) giving ſecurity. The next day the Tribunes aſſembled the People in the Forum, where Cæſo not appearing, he was condemned for default, and his ſecurity, who were ten in number, were compelled to pay the money agreed upon. Thus this young Patrician, by the intrigues of the Tribunes and the artifice of Volſcius, who gave falſe evidence, as we ſhall ſee in the ſequel, retired to Etruria into baniſhment. A. R. 293. Ant. C. 459.

Cæſo's father was obliged to ſell the greateſt part of his eſtate to make good the money paid by the ſecurity, and retired to a village on the other ſide of the Tiber, where he had a poor cottage and a ſmall field, the ſole remains that eſcaped this wreck of his fortune. He ſupported himſelf there by the labour of his hands, with a

(*a*) Cui rei capitalis dies dicta ſit, & de quo futurum propediem judicium, eum indemnatum non debere violari. *Liv. l.* 3. *c.* 13.

(1) *Livy tells us this was the firſt bail or ſecurity given to the public.* Lib. 3. c. 13.

ſmall

A. R. 293. Ant. C. 459. ſmall number of ſlaves, who aſſiſted him in cultivating his piece of land, and led an obſcure and laborious life, his affliction and poverty preventing him from going to Rome, viſiting his friends, and aſſiſting at the celebration of feſtivals. The Tribunes, however, were not the better for having got rid of Cæſo. The young Patricians became only the more haughty on that account; but they acted in a different manner, and with a wiſe addreſs. After the baniſhment of Cæſo, when the Tribunes began to propoſe the law, and, to remove thoſe who oppoſed the paſſing of it, were for uſing ſome violence, the young Patricians, who brought a great body of their clients along with them, repulſed the Tribunes with vigour, but in a body, and without any one's diſtinguiſhing himſelf in a peculiar manner from the reſt: ſo that the People complained, that inſtead of one Cæſo, they had now a thouſand upon their hands. On the other days, nothing was kinder and more moderate than the ſame young nobility. They ſaluted the Tribunes reſpectfully, entered into converſation with them, did them all manner of ſervices, and even invited them to their houſes. Nothing inſolent, nothing violent, was ſeen, except when the law was propoſed: in other reſpects their behaviour was entirely agreeable and popular. The Tribunes in conſequence were not able to propoſe their law, during that whole Conſulſhip; but were re-elected by the People for the following year.

SECT.

SECT. II.

The Tribunes ſpread a falſe report of a conſpiracy formed by the Patricians. The Sabine Herdonius ſeizes the Capitol in the night: he is defeated and killed. Quintius Cincinnatus, Cæſo's father, is taken from the plow, and made Conſul. He appeaſes a tumult. He refuſes to be continued in office. New troubles. L. Minucius being beſieged in his camp by the Æqui, Q. Cincinnatus is created Dictator. He delivers the Conſul, defeats the enemy, triumphs, and abdicates the Dictatorſhip at the expiration of ſixteen days. Ten Tribunes of the People are created inſtead of five. Part of mount Aventine is given to the People, to build upon. The Tribunes propoſe the Agrarian Law again. The Senate's reaſons for oppoſing it ſo ſtrongly.

C. CLAUDIUS.
P. VALERIUS.

A. R. 294.
Ant. C. 458.

THE Tribunes not obſerving the ſame ardour for their intereſts in the moſt conſiſiderable part of the People, whom the Patricians had conciliated by their good offices and other demonſtrations of benevolence, ſet new engines at work in order to render them ſuſpected. Every means, however improbable in itſelf, ſeemed good, ſo much had their paſſion blinded them. "They ſpread a report in the "city, and had the confidence to carry the "news to the Senate itſelf, of a terrible conſpi-"racy, of which they had received certain ad-"vice from different parts by ſeveral letters. "Theſe they had counterfeited themſelves. "Cæſo, ſaid they, is at the head of it, and

"now

A. R. 294. Ant. C. 458. "now actually in Rome. The deſign was to "kill the Tribunes, and to put the Plebeians "to the ſword. The antient Senators had gi-"ven the Patrician youth commiſſion to extir-"pate the power of the Tribunes, and to re-"inſtate the government upon the ſame foot as "it was before the retreat to the Sacred Moun-"tain." The Conſul Claudius, who well knew the Tribunes, and of what they were capable, maintained that this pretended conſpiracy was a meer fable, contrived to alarm weak minds, and proved it clearly, even from the circumſtances of the account they had given of it. He ſaid as much in the aſſembly of the People. The moſt diſcerning of the Plebeians eaſily perceived that there was nothing more in it, than a deſign to intimidate them by groundleſs fears. But ſome gave into theſe falſe reports, and believed them true. That was enough for the Tribunes. It generally ſuffices to theſe ſowers of falſhoods and calumnies, that they make impreſſion upon the minds of ſome: that is gain enough for them.

Herdonius the Sabine ſeizes the Capitol: he is defeated and killed.

The Tribunes perhaps had ſome confuſed notion of a conſpiracy, that actually broke out ſoon after, and their hatred had determined ſuſpicions and apprehenſions againſt the Patricians, which they ought to have levelled at an enemy without doors. This was Herdonius, a very rich and powerful Sabine, and ſtill more bold and ambitious, whom the diviſions that prevailed at Rome had given hopes of making himſelf maſter of it. With a body of exiles and ſlaves, to above the number of four thouſand five hundred, he ſeized the Capitol in the night. He flattered himſelf that he could make the ſlaves take arms, bring over the exiles to join him, and even engage the meaner citizens to declare in

in his favour, by amuſing them with the hopes of making them arbiters of the laws of the government. His deſign was, after having ſurprized Rome, either to have made himſelf the Sovereign of it; or, in caſe he could not ſupport himſelf in the uſurpation with his own forces, to have delivered up the city to the Sabines. Aſſoon as he had taken the citadel, he began by putting all within it to the ſword, that would not enter into the conſpiracy, and take arms with him. The few who eſcaped ran to the Forum, and ſpread the alarm. *To arms, to arms, the enemy are in the city*, was the univerſal cry. The Conſuls, uncertain whether the danger were within or without the walls, were equally afraid either to arm the People, or to leave them unarmed. They contented themſelves with poſting guards in the places where they were moſt neceſſary, and paſſed the remainder of the night in great perplexity, not knowing either what enemy, or what number, they had to oppoſe. This the day-light ſhewed them. Herdonius cauſed billets to be thrown into the city from the Capitol, by which he invited the ſlaves to join him upon promiſe of their liberty. "He declared "that he had taken upon him the defence of "the miſerable, in order to reinſtate exiles un- "juſtly baniſhed in their country, and deliver "ſlaves from the cruel yoke of ſervitude. "That he had rather the Roman People ſhould "execute thoſe views themſelves. That, if he "ſaw no hopes on that ſide, he ſhould have "recourſe to the Æqui and Volſci, and ſhould "ſet all the neighbouring ſtates in motion, in "order to effect his deſign."

A. R. 294. Ant. C. 458.

The Senate and Conſuls began now to diſcern the matter aright. But beſides what they knew for

A. R. 294. Ant. C. 458. for certain, they apprehended, that the Veientes and Sabines might have entered into this plot; and, whilſt they had ſo many of the enemy already in the city, that they might ſoon ſee the Sabine and Etrurian legions arrive, followed by thoſe of the Æqui and Volſci, the eternal enemies of Rome, not to ravage the country as formerly, but to poſſeſs themſelves of a city already half taken. Amongſt ſo many cauſes of dread, their principal fear was in reſpect to the ſlaves, in whom they did not dare either to confide, not being aſſured of their fidelity, nor expreſs diſtruſt, for fear of making them enemies.

One thing conſoled them, which was, that they did not think there was any thing to apprehend from the People or the Tribunes. They conſidered the domeſtic diſſenſions as evils which generally broke out in times of peace and tranquillity, and for which the preſent general trouble of the city did not ſeem to leave any room. However, thoſe diviſions were very near ruining it on this occaſion. The fury of the Tribunes, or rather their phrenzy, roſe ſo high, as to make them deſirous to perſuade the People, that all this tumult was only a ſtratagem of the Patricians to make a diverſion, and to prevent them from thinking of the Law; that it was their clients and friends who had ſeized the Capitol; and that as ſoon as they ſhould ſee their deſign miſcarry by the publication of the Law, they would retire with as much tranquillity as they came. Accordingly they aſſembled the People for that purpoſe, and prevented them from taking arms.

The Conſuls on their ſide ſummoned the Senate together, and being informed that the People laid down their arms, and quitted their poſts,

poſts, they were ſeized with terror and amaze- A. R. 294.
ment, and could ſcarce believe ſuch a madneſs Ant. C. 458.
poſſible. Valerius, leaving his collegue in the Senate, flew to the aſſembly of the People. *What is the meaning of this!* cried he to the Tribunes! *Are you for ſubverting the commonwealth under the conduct and auſpices of Herdonius? Has he then ſucceeded in corrupting you, who could make no impreſſion upon your ſlaves? How! whilſt the enemy are over our heads, do you make the citizens lay down their arms, and do you think of making Laws?* Then addreſſing himſelf to the multitude, he continued to this effect. *Romans, if you are neither moved by the danger of the city nor your own misfortunes, at leaſt reſpect the Gods of your country, who are in the hands of the enemy. The moſt high Jupiter, Queen Juno, Minerva, and all the Gods and Goddeſſes, are actually beſieged. Slaves have pitched their camp in your temples. Does the manner in which we act, argue a People in their ſenſes? Whilſt the enemy are not only within our walls, but have made themſelves maſters of the citadel, we hold aſſemblies with indifference, and deliberate with unconcern, as in times of peace and leiſure! Ought we not rather, as many inhabitants as there are of us, Senators, Plebeians, Conſuls, Tribunes, to take arms, to run to the Capitol, and deliver the auguſt abode of the moſt high Jupiter? O thou, whom we acknowledge for our father, divine Romulus, inſpire thy deſcendants with the ſame courage, with which thou didſt formerly recover this citadel from the ſame Sabines, when they had made themſelves maſters of it by the means of money. Cauſe thy Romans to tread now in the well-known ſteps of thy ſelf and thy victorious army. For me, I am ready, as Conſul, to be the foremoſt in following you,*

A. R. 294. Ant. C. 458. *as far as it is in the power of a mortal to follow a God.*

After having ſpoke thus, with a tone of authority, he commanded the citizens to take arms, and declared, "That he would treat all "who ſhould oppoſe it, as enemies to the State, "without regard to the Sacred Laws. That "the Tribunes who forbade the citizens to take "arms, would arm them againſt the Conſul "Valerius: and that he ſhould not fear to act "in the ſame manner againſt the Tribunes, as "his father had done againſt the Kings." Every thing ſeemed upon the point of terminating in the utmoſt violence, and of exhibiting the ſedition of the Romans as a ſpectacle to the enemy. However, the Tribunes could neither paſs the Law, nor the Conſul make the troops march to the Capitol; and night ſuſpended the diſpute.

When the Tribunes, who blew up the ſpirit of diſcord, were retired, the Senators mingled with the People, and each on their ſide, in circles, held diſcourſes ſuitable to the preſent conjuncture. "They implored the citizens to "conſider the danger to which they expoſed "the commonwealth, and to remember that "the diſpute was no longer between the Senate "and People, but that alike, Plebeians as well "as Patricians, citadel, temples, the Gods of "the public, their houſhold-Gods, were all "abandoned to the enemy."

Whilſt theſe meaſures were taken in the Forum for appeaſing the ſedition, the Conſuls poſted troops at the gates of the city, and at other places, againſt the Sabines and Veientes, in caſe they ſhould come to attack Rome.

The ſame night, the inhabitants of Tuſculum received the ſad news of the taking of the Capitol

pitol and citadel, and of the confuſion that prevailed in the city. L. Mamilius, at that time Dictator of Tuſculum, immediately aſſembled the Senate, and repreſented, "That they ought "not to ſtay till Rome ſent to demand aid; "that the Gods could never give them a more "happy occaſion for diſtinguiſhing their zeal "and attachment to ſo powerful a neighbouring "city." The troops were immediately levied, and ſet out for Rome, near which they arrived at day-break the next morning. They were at firſt taken for enemies; but the Romans ſoon diſcovered their error. They were received with joy, and marched in order of battle to the Forum, where Valerius, who had left his collegue to command at the gates, drew up his troops alſo. For the citizens were not able to reſiſt his warm exhortations and promiſes. He had aſſured them, "That after the Capitol was re-"covered, and the tranquillity of the city re-"ſtored, if they would hear what he had to "ſay, and ſuffer him to inform them of the "artful, ſelf-intereſted views, which the Tri-"bunes concealed under the Law in queſtion, "that he would not oppoſe their aſſembly. "That the remembrance of his family, and the "ſir-name which he bore, were a kind of he-"reditary engagement to him to ſupport the "intereſts of the People, and that he ſhould "not depart from it." A. R. 294. Ant. C. 458. Publicola.

Accordingly they followed him, notwithſtanding the oppoſition of the Tribunes, and advanced to the declivity of the Capitoline mountain, in conjunction with the troops of Tuſculum. A noble emulation of being the firſt to force the enemy, animated the Romans and allies. Their leaders encouraged them on both ſides. The beſieged, who relied ſolely

A. R. 294. Ant. C. 458. upon the advantageous ſituation of their ground, began to tremble and be in diſorder. They were puſhed with vigour, and driven back and purſued as far as the porch of the Capitol, when Valerius, who fought at the head of his troops, was unfortunately killed. Volumnius, a perſon of Conſular dignity, who ſaw him fall, cauſed his body to be covered, and took his place. The ardor and fury with which the ſoldiers fought, occaſioned their not perceiving ſo ſad an event. They were victorious, before they knew they fought without a general. The temple was polluted with the blood of a great number of exiles; and many were made priſoners. The Capitol was recovered in this manner after an obſtinate defence of three days.

The priſoners, freemen and ſlaves, were puniſhed, each according to his condition, the former by the loſs of their heads, the latter by the croſs. Great thanks were returned the Tuſculans, who had diſtinguiſhed themſelves no leſs by their valour in fight, than their affection in flying of themſelves to the aid of their allies. Preparations were made for purifying the Capitol with the uſual ceremonies. The People, to do honour to the Conſul's memory, and render his funeral the more magnificent, contributed each a certain ſum.

Dionyſ. l. 10. p. 643—646. Liv. l. 3. c. 19—21. This affair was no ſooner happily terminated, than the Tribunes renewed their meaſures, and called upon Claudius to perform the promiſe, which Valerius had made to the People concerning the Law. The Conſul amuſed them at firſt, and protracted the affair, under pretext of the ſacrifices of expiation and thankſgiving, which required all his attention, and of the ſhews and games, which he exhibited to the People. When all theſe ceremonies were over, and he could

could no longer elude their inſtances and importunity, he declared that it was neceſſary above all things to ſubſtitute a Conſul in the room of Valerius. Having, by this artifice, evaded their purſuit, he appointed a day for the election of his collegue. A. R. 294. Ant. C. 458.

In the mean time, the principal Senators deliberated in ſecret upon the perſon it was neceſſary to chuſe, and came to a reſolution. On the day of the election, the whole firſt Claſs, compoſed of the principal and richeſt of the citizens, who formed eighteen Centuries of cavalry and fourſcore of infantry, elected L. Quintius Cincinnatus Conſul, father of Cæſo Quintius, whoſe trial and baniſhment we have ſeen above. The other Claſſes were not ſo much as called upon to give their ſuffrages, becauſe, as we have already obſerved, the firſt alone, when unanimous, were the majority. *Quintius Cincinnatus, Cæſo's father, is taken from the plow, to be Conſul. He appeaſes a ſedition.*

This choice gave the People inexpreſſible concern: for they were about to have a Conſul juſtly exaſperated againſt them, who was beſides powerful by the favour of the Senate, by his perſonal merit, and by three ſons, of which not one was inferior to Cæſo in greatneſs of mind, and took place of him in point of a prudence and moderation, that made them maſters of themſelves in the warmeſt diſputes, and left them at liberty to take all the meaſures, and uſe all the cool addreſs neceſſary to the ſucceſs of affairs.

Aſſoon as Quintius was choſen, the Senate diſpatched deputies to invite him to take poſſeſſion of his office. He was at that time at work in his field. He was holding the plow himſelf, covered only from his reins to his knees, with a cap on his head. When he ſaw the deputies of the Senate, he ſtopped his oxen, much

A. R. 294. Ant. C. 458. ſurprized at the croud of people, and not knowing what they wanted. One of the number advanced, and gave him notice to dreſs himſelf in a more convenient garb; upon which he went into his cottage, put on his cloaths, and came to thoſe who waited for him. He was immediately ſaluted Conſul. The purple robe was put on him, the Lictors with their axes placed themſelves before him to execute his orders, and he was deſired to repair to Rome. That ſight gave him concern and affliction; he was ſilent for ſome time, and ſhed tears. When he ſpoke, he only ſaid; *My field then will not be ſown this year.* He then took leave of his wife, and having given her charge of the houſhold affairs, ſet out for Rome.

Happy times! admirable ſimplicity! Poverty was not univerſally practiſed, but it was eſteemed and honoured, and not conſidered as a diſqualification for the higheſt dignities of the ſtate. The conduct of Quintius during his Conſulſhip, will ſoon ſhew us what a noble nature, what conſtancy, and what greatneſs of ſoul, inhabited a poor wretched cottage.

Quintius having entered upon office, informed himſelf of all that had paſſed in the invaſion of Herdonius. Taking occaſion from thence to call an aſſembly of the People, he aſcended the tribunal of harangues, and in his diſcourſe, applied himſelf no leſs to rouze the Senate from their indolence and languor, than to reprove the licence and diſorders of the People. He reproached the Senators, "That it was through "their continual facility in giving way to the "pretenſions of the Tribunes, that they had "encouraged and ſuſtained the inſolence and "rebellion of the People. That the city had "no longer either rule, diſcipline, or ſubordi-

"nation.

" nation. That all virtue, conſtancy, and A. R. 294. Ant. C. 458.
" every other noble quality, that renders youth
" eſtimable as well in peace as war, might be
" ſaid to have been baniſhed from Rome with
" his ſon Cæſo. That men, whoſe whole me-
" rit conſiſted in making ſeditious ſpeeches,
" and ſowing diſcord between the two Orders
" of the State, prevailed by their intrigues to
" be continued two or three years in the office
" of Tribunes, and to act in it with tyrannical
" licence." *What then*, cried he with juſt indignation, *has this Aulus Virginius, becauſe he was not in the Capitol, deſerved puniſhment leſs than Appius Herdonius? I affirm, that to judge rightly of him, he has deſerved it more. Herdonius at leaſt, in making himſelf our enemy, did in ſome ſort put our arms into our hands; but the Tribune, in impudently maintaining that there was neither war nor enemy, took your arms out of your hands, and gave you up defenceleſs to your ſlaves and the exiles. And for you (ſuffer me to ſay it without offence either to Claudius my collegue here preſent, or to the memory of Valerius) you made your enſigns advance againſt the Capitol, before you had delivered yourſelves from the enemy that occupied the Forum! How ſhameful is this to us, both in the ſight of Gods and men! Whilſt the enemy were maſters of the Capitol and citadel, and a leader of ſlaves and exiles, after having profaned all things, had eſtabliſhed his abode in the temple of the moſt high Jupiter, the people of Tuſculum took arms before they were taken at Rome. There is reaſon to doubt, whether it was L. Mamilius, the general of Tuſculum, or the Conſuls Valerius and Claudius, that delivered the citadel of Rome. And as for us, who before would not ſuffer the Latines to take arms in their own defence, even when the enemy was in their country, we had been now un-*

A. R. 294. Ant. C. 458. *done, if the ſame Latines in pure effect of their good will had not taken arms for us of their own accord. And do you, Tribunes, call it aiding the Plebeians, to give them up unarmed to the enemy? If any one of the dregs of the People, with whom you herd, and of whom you make a particular country diſtinct from the body of the State, ſhould come and inform you, that his houſe was beſet with armed ſlaves, you would believe it incumbent on you to run to his aid. But the moſt high Jupiter, beſieged by armed ſlaves and exiles, did not ſeem worthy of being aided in the ſight of the Tribunes. They demand, after this, to be conſidered as ſacred perſons, they, to whom the Gods are not ſacred. Covered as you are with crimes both before Gods and men, you are for paſſing your Law this year. But I ſwear to you, it ſhall not be; and that I will ſooner loſe my life than ſuffer it. We have taken our reſolution. My collegue and I are determined to march the Legions againſt the Æqui and Volſci. I know not by what fatality the Gods are always more favourable to us in war, than during peace.*

So vigorous a diſcourſe amazed the People. The Senate began to conceive hopes and reſume courage. The other Conſul, too weak to act as principal, ſaw with joy his collegue bring on the affair, and ſeconded all his deſigns with reſolution.

The Tribunes of the People treating theſe menaces as idle vapouring, aſked with an air of contempt and inſult, how the Conſuls would march the troops into the field, as they would not be ſuffered to make any levies? *We have no occaſion to make any*, replied Quintius. *The citizens, when they took arms to recover the Capitol, all ſwore to Valerius, not to lay them down without the Conſul's order. In conſequence of that oath,*

oath, we order you, as many as took it, to aſſemble in arms to morrow at the lake of Regillus. A. R. 294. Ant. C. 458. The Tribunes cavilled, ſought evaſions, and endeavoured to elude the force of the oath, and to rid the People of all ſcruples, by anſwering, that Quintius was only a private perſon when the troops took the oath. But, ſays Livy, the contempt of the Gods, which is ſo common and prevalent in our days, was not known then. Oaths and laws were inflexible rules, to which thoſe times conformed their conduct; and to wreſt and accommodate them to one's own convenience and appetites by fallacious interpretations, was an art unheard of. *Sed nondum hæc, quæ nunc tenet, negligentia deûm venerat; nec interpretando ſibi quiſque jusjurandum & leges aptas faciebat, ſed ſuos potiùs mores ad ea accommodabat.*

Quintius went farther. After having cauſed the enſigns to be brought from the temples: *That nobody*, ſaid he, *may rely upon the intrigues of the Tribunes whilſt I am Conſul, you may be aſſured, that I ſhall not march back the army from the enemy's country, till the expiration of the term of my command. Therefore provide yourſelves with all that is neceſſary, and prepare for encamping during the whole winter.* This declaration ſtruck the aſſembly with terror, and the more becauſe the Conſul's tenaciouſneſs of his reſolutions was known.

A report of another deſign that Quintius had was whiſpered about: this was, to call an aſſembly of the People at ſome leagues from the city, and to cauſe all that had been inſtituted at Rome by the violence of the Tribunes to be annulled in it. It was even ſaid, that the Augurs had received orders to repair to the lake of Regillus, to prepare the place of the aſſembly with the ceremonies neceſſary on that occaſion.

A. R. 294. Ant. C. 458. ſion. Now, in that caſe, the Tribunes could not oppoſe the reſolutions taken in it: for their right of appeal did not extend above a mile from Rome. But what alarmed the People ſtill more, was Quintius's often declaring, that when he quitted his office, he would not call an aſſembly for the election of Conſuls: "That in "the preſent extremity of affairs, the uſual re- "medies did not ſuffice. That the common- "wealth ſtood in need of a Dictator, whoſe "ſupreme authority, from which there was no "appeal, might give an immediate check to "the bad deſigns of all who ſhould undertake "to diſturb the tranquillity of the ſtate."

The Tribunes ſeeing that the alarm was general, and that the diſcontent againſt them was upon the point of breaking out, repaired to the Senate, attended by a great number of the moſt conſiderable of the People. All of them, in deſpair on account of the evils that threatened them, implored with great cries the compaſſion, ſometimes of the Conſuls, and ſometimes of the Senators. Quintius continued firm and inflexible, till the Tribunes promiſed to ſubmit to what the Conſul ſhould require of them. At his requeſt, the Senate then paſſed a decree in theſe terms: "That the Tribunes ſhould nei- "ther paſs the Law, nor the Conſul make the "army take the field, this year: That, as to "the reſt, the Senate judged it contrary to the "good of the commonwealth, to continue "the magiſtrates in their offices, and always to "re-elect the ſame Tribunes.

The tumult being appeaſed, Quintius reinſtated judiciary proceedings, which had been interrupted for many years. He rendered juſtice to all that applied for it, and terminated moſt diſputes in an amicable manner. He continued the

the whole day at his tribunal, was always eaſy of acceſs, and whatever the affair to be conteſted might be, acted in regard to every body with abundance of goodneſs and moderation. By ſo wiſe a conduct, he rendered the government of the nobility ſo agreeable, that the poor, the common people, and perſons of the moſt contemptible condition, had no longer occaſion either to have recourſe to the Tribunes againſt the oppreſſion of the powerful, or to demand new laws for the eſtabliſhment of equality in trials, ſo much were they ſatisfied with that, which the Conſul's equity obſerved to all alike, and his impartiality in all affairs. A. R. 294. Ant. C. 458.

Cincinnatus refuſes to be continued in the Conſulſhip.

So peaceful a government could not fail of applauſe; and the People in conſequence expreſſed their entire ſatisfaction in it. But what moſt charmed them was, that Quintius, upon the expiration of his term, refuſed to be continued in office with no leſs conſtancy, than he had pain at firſt in accepting it. And indeed the Senate forgot nothing that might induce him to comply with being continued in the Conſulſhip; and they were the more ſollicitous in that reſpect, becauſe as the Tribunes had got themſelves re-elected for the third time, they were very glad to oppoſe them with a perſon capable of ſtriking them with reſpect and awe, and of preventing them from purſuing their attempts in favour of the new laws.

Quintius had not yet ſpoke with ſo much force and vehemence, as he did on this occaſion. *Is it a wonder*, ſaid he, addreſſing himſelf to the Senators, *that your authority ſhould be deſpiſed by the People? It is yourſelves that render it contemptible. Becauſe the People violate your decree in continuing their magiſtrates, you are for doing the ſame, that you may not be outdone by them*

A. R. 294. Ant. C. 458. *them in temerity; as if to ſhew moſt levity and licence, were to have moſt power in the commonwealth. For certainly there is more of both in violating one's own decrees, than in infringing thoſe of others. Take my advice then, Fathers; imitate the indiſcretion of the populace; and you, who ought to ſet others examples, do ill yourſelves by following theirs, rather than teach them to do well by following yours. But as for me, that I may act directly the reverſe to the Tribunes, I declare, that I will not ſuffer myſelf to be re-elected Conſul, in contempt of your Decree.* Then addreſſing himſelf to his collegue; *I conjure you Claudius,* ſaid he, *to prevent the Senate from committing ſo groſs a fault, and ſtrenuouſly to oppoſe their deſign, if they perſiſt in it; and as to what concerns yourſelf, I deſire you to be aſſured, that far from taking offence at your oppoſition, as depriving me of an increaſe of honour, I ſhall conſider it as a mark of your friendſhip for me, as an exaltation of my own glory in the proof of my diſintereſtedneſs, and as a ſingular favour, that will ſpare me the envy and ſhame which the continuation of the Conſulſhip might otherwiſe draw upon me.* It was neceſſary to comply with ſo expreſs a reſolution. The Senate prohibited the re-electing Quintius Conſul, and declared, that if ſuch prohibition did not take place, and the ſuffrages were in his favour, that no regard ſhould be had to them. He was not elected.

With the higheſt praiſes and bleſſings, and become the object of the univerſal eſteem, admiration, and love, Quintius diveſted himſelf of the purple, and made haſte to return to his oxen, plow, and cottage, where he lived as before, by the labour of his hands.

Is there any thing wanting to the glory of Quintius? Can the greateſt riches, the moſt ſuperb

perb palaces, the moſt ſumptuous equipages, diſpute pre-eminence with the poor thatch and ruſtic furniture of our illuſtrious Huſbandman? Do they leave behind them in the minds of thoſe that behold them, the ſame ſentiments, as the ſimple relation of what regards Quintius gives the reader? Can one, however prejudiced in favour of vanity and glare, deny him one's eſteem and admiration? There is then ſomething truly great, noble, and worthy of eſteem in the character of this Roman. What an happineſs is it for a ſtate, a province, a city, when thoſe who have the adminiſtration of the government, approach, though at diſtance, the ſentiments which we admire in Quintius! An inflexible conſtancy for ſupporting good order and diſcipline, tempered with a mildneſs and candor proper for gaining the affection of the people. A wonderful art and ability in diſcerning and managing the paſſions. A conduct uniform, and always guided by reaſon, never by humour and caprice. A love of the public good, ſuperior to all paſſions and prejudices. An univerſal diſintereſtedneſs, which never departs from itſelf. An indefatigable application to labour and the duties of his function, a reſolution of proof againſt all things in the adminiſtration of juſtice, and, above all, a tender and lively zeal for the defence of the poor, and the weak unjuſtly oppreſſed. Quintius, by theſe rare and excellent qualities, appeaſed tumult, and put a ſtop to licence during his Conſulſhip, which others were not capable of effecting. States would enjoy perpetual tranquillity, were they governed by prudent, moderate, and equitable perſons. A. R. 294. Ant. C. 458.

This year there was a *Cenſus*: but it did not cloſe with the uſual ceremonies, upon account of the taking of the Capitol, and the Conſul's death.

Q. FABIUS,

A. R. 295. Ant. C. 457.

Q. FABIUS, III. L. CORNELIUS.

New troubles. Dionyſ. l. 10. p. 646—652. Liv. l. 3. c. 22—29.

The domeſtic troubles began again under the new Conſuls, but were ſuſpended by the neceſſity the Romans were under of marching their troops in conjunction with thoſe of the allies againſt the enemy, who had taken the field on different ſides. The taking of Tuſculum by the Æqui, very much affected the Romans, from the ſtill recent remembrance of the zeal its inhabitants had ſhewn for Rome in a like danger, when the Capitol was taken. Immediate aid was ſent them; but the enemy was retired before it arrived. The Roman arms were equally ſucceſsful both againſt the Æqui and Volſci. The revolt of the Antiates was puniſhed by the execution of the ringleaders; and both Conſuls were granted the honour of a triumph.

The Tribunes, in their abſence, had endeavoured to bring on the affair of the Laws: but it was deferred till their return, as well as the proceedings againſt Volſcius, proſecuted by the Quæſtors and ſeveral others for falſe evidence in the trial of Cæſo. Both thoſe affairs were poſtponed till the following year.

The Tribunes were continued for the fourth time, notwithſtanding all the endeavours of the Conſuls to prevent it.

The *Cenſus* was compleated for the tenth time from the foundation of Rome; and the number of the citizens amounted to an hundred and thirty-two thouſand and forty nine.

L. MINU-

L. MINUCIUS.
C. NAUTIUS, II.

A. R. 296.
Ant. C. 456.

Minucius is beſieged in his camp by the Æqui.

The people in the neighbourhood of Rome would not ſuffer it to remain in tranquillity. The two Conſuls were obliged to take the field, Nautius againſt the Sabines, and Minucius againſt the Æqui. The firſt had ſome ſucceſſes, but of ſmall importance: the other raſhly gave into an ambuſcade laid for him, and entered a defile, from which he found it not in his power to retire. Having attempted in vain to open himſelf a way through the enemy, he was repulſed with conſiderable loſs, and obliged to return to his camp, where Gracchus, the general of the Æqui, incloſed the Romans with a foſſé and entrenchment, in hopes to oblige them by famine to lay down their arms, and ſurrender at diſcretion.

Cincinnatus is created Dictator. He delivers the Conſul, defeats the enemy, triumphs, and abdicates the Dictatorſhip at the end of ſixteen days.

When this news came to Rome, it occaſioned univerſal terror and alarm. Aid was immediately diſpatched: but at a Council, wherein the principal perſons of the Senate were preſent, it was concluded, that the commonwealth ſtood in need of a Dictator, and the Conſul Nautius, who had been ſent for to Rome, nominated Quintius Cincinnatus in virtue of his office. Livy, who does not mention the plow and poverty of Cincinnatus at his being raiſed to the Conſulſhip, interrupts his narration in this place, to awaken the attention of his readers by a reflection that is of all times and nations. (a) *Let the blind admirers of fortune, who deſpiſe every thing in compariſon with riches, and who think, that*

(a) Operæ pretium eſt audire, qui omnia præ divitiis humana ſpernunt, neque honori magno locum, neque virtuti putant eſſe, niſi ubi effuse affluant opes.

A. R. 296. Ant. C. 456. *without them there is no real greatneſs and virtue, give ear to what we are now going to relate.* Lucius Quintius, the ſole hope of the Roman people, lived in the country on the other ſide of the Tiber, and paſſed his time in cultivating with his own hands a ſmall piece of land of four acres, the only eſtate that had eſcaped the wreck of his fortune, and which has ſince been called *the meadow of Quintius.* The deputies found him holding the plow in the ſame garb, as we have deſcribed him above when elected Conſul. They ſaluted him Dictator, deſired him to go to Rome, and told him in what condition the army was. A bark had been provided to carry him thither. On his landing he was met by his three ſons, accompanied by many of his relations and friends, and by the greateſt part of the Senate. Surrounded by this numerous train, and preceded by four and twenty Lictors, he repaired to his houſe. Upon his entrance into Rome, his firſt care was to harangue the People, in order to remove their fears. The next morning before light he nominated L. Tarquitius, general of the horſe, a Patrician by birth; but who, on account of his poverty, had always ſerved in the foot, and had diſtinguiſhed himſelf by his valour above all the young nobility. With him he repaired to the aſſembly, put a ſtop to judiciary proceedings, cauſed the ſhops to be ſhut up, and prohibited all work and labour whatſoever. This was the cuſtom in times of great danger, in order that the citizens might attend ſolely to the ſafety of the ſtate. He ordered all capable of bearing arms, to aſſemble before ſun-ſet in the field of Mars, each with bread for

for five days, and twelve paliſades. The old men, who were not in a condition to ſerve, were employed in baking bread for their neighbours; and the ſoldiers diſperſed themſelves on all ſides in queſt of ſtakes. At the time and place prefixed, all aſſembled, equipped as they had been commanded. A. R. 296. Ant. C. 456.

The Dictator at the head of the infantry, and Tarquitius at that of the horſe, ſet out with the army, drawn up, not only for marching, but battle, in caſe of neceſſity. The officers and ſoldiers animated each other on their way by animadverting, "That it was neceſſary to make "the utmoſt expedition, in order to come up "with the enemy in the night. That the "Conſul and Roman army had now been be-"ſieged three days. That it was impoſſible to "know what might happen every moment of "the day or night. That the ſmalleſt part of "time often determined the greateſt events." The ardor of the troops, as well ſoldiers as officers, was inexpreſſible.

At length they arrived about the middle of the night near Algidum, a city in the country of the Latines, and halted when they perceived themſelves not far from the enemy. The Dictator mounted on horſe-back, and having examined the form and extent of the camp of the Æqui, as much as the night would admit, he made his army extend itſelf around them, with orders to his ſoldiers to throw up an intrenchment before them, to fortify it with paliſades, and to raiſe a great cry all together at the firſt ſignal that ſhould be given. Thoſe orders were punctually executed. The cries reached the camp of the enemy and that of the Conſul at the ſame time, and carried with them terror and conſternation to the one, and joy and con-

A. R. 296. Ant. C. 456. fidence to the other. The Romans conceived that aid was arrived; and the Conſul conjecturing it probable, that the action was begun, and that the enemy's camp was attacked on the ſide next the country, ordered his troops to take arms, and follow him: his deſign was to make a diverſion. The battle began in the night, and by the cries which the Conſul's troops raiſed on their ſide, the Dictator's Legions knew that they were engaged. The Æqui were preparing to prevent the workmen from carrying on their intrenchment, and from ſurrounding them, when the fear leſt the beſieged, who had begun the attack, ſhould break into their camp, obliged them to face on that ſide with almoſt all their forces, and to leave the workmen undiſturbed during the reſt of the night; for the Æqui fought till day-break with the Conſul. They were by that time almoſt entirely encloſed by the Dictator, who preſently after made his troops charge their camp. Attacked in this manner on all ſides, and obliged to fight with both armies at once, they ſoon perceived that they were not in a condition to defend themſelves, and aſked quarter on both ſides, imploring the Romans not to purſue their victory to the entire deſtruction of their nation. The Conſul referred them to the Dictator, who anſwered their deputies, that he was willing to ſpare their blood, and grant them peace: but in order to draw from them a public confeſſion, that their nation was conquered and ſubjected, he inſiſted that they ſhould lay down their arms, and paſs under the yoke. That as for Gracchus, author of the war, and the reſt of their leaders, they ſhould deliver them up bound hand and foot, in order to their being treated with the utmoſt rigour. The Æqui conſenting to all he demanded,

manded, he required farther, that to make Tuſculum amends, a city in alliance with the Roman People, which they had taken, plundered, and ſubjected without any previous injury from the inhabitants, they ſhould give up Corbio to the Tuſculans, to be plundered by way of repriſal. The deputies, to whom theſe anſwers had been given, returned ſoon after with Gracchus and the principal officers of their army in chains. The Æqui quitted their camp, without arms and almoſt without habits, paſſed in review before the Roman troops, according to the Dictator's orders, and one by one were made to paſs under the yoke. The yoke was formed of two ſpears fixed in the earth, with a third laid acroſs and faſtened at the tops of them in the form of a gibbet: this was the higheſt infamy that could be inflicted on the vanquiſhed. They afterwards ſurrendered the city of Corbio, as had been agreed. The only favour they aſked was, that the free inhabitants ſhould be ſuffered to quit the place; and in exchange they releaſed the priſoners taken at Tuſculum. A. R. 296. Ant. C. 456.

The Dictator abandoned the whole camp of the enemy, which was very rich, only to his own troops. As to the army under the Conſul Minucius, which had given way before the enemy, and had been repulſed into their camp, he thought it an extraordinary favour to remit them the puniſhment ſo ſhameful a cowardice had deſerved. *You ſoldiers*, (*a*) ſaid he to them with a ſevere tone, *who were upon the point of being the enemy's prey yourſelves, ſhall have no ſhare in their ſpoils.* Then turning towards the Conſul: *And as for*

(*a*) Carebis, inquit, prædæ parte, miles, ex eo hoſte, cui prope prædæ fuiſti. Et tu, L. Minuci, donec Conſula rem animum incipias habere, Legatus his legionibus præeris. *Liv.*

A. R. 296. Ant. C. 456. *you*, *L. Minucius*, continued he, *till you begin to have the ſpirit and ability of a Conſul, you ſhall command theſe legions only as lieutenant.* Minucius accordingly was obliged to diveſt himſelf of the Conſulſhip. This was a moſt ſenſible affront for the troops, and a ſtill greater for the general. But diſcipline was ſo religiouſly obſerved at that time, and people (*b*) ſubmitted with ſo much docility to ſuperior merit in authority, that this army, leſs ſenſible to the ignominy than the benefit they had received, both decreed the Dictator a crown of gold of a pound weight, and at his departure ſaluted him their patron and protector.

Quintius returned to Rome, where he received the honour of the moſt ſplendid triumph that had ever adorned any general's ſucceſs, for having in the ſpace of ſixteen days, during which he had been inveſted with the Dictatorſhip, ſaved the Roman camp from the moſt evident danger; defeated and cut to pieces the army of the enemy, taken and plundered one of their fineſt cities, and left a garriſon in it; and laſtly, gratefully repaid the Tuſculans the ſervice they had rendered Rome. The general, and the moſt conſiderable of the Æqui, walked in chains before his chariot; and the enſigns taken from them were carried before him. The army followed laden with booty. Tables were ſpread before all the houſes. The ſoldiers, ſtopping ſometimes at them, followed the chariot, making the whole city reſound with acclamations of tri-

(*b*) Sed adeo tum imperio meliori animus manſuetè obediens erat, ut beneficii magis quam ignominiæ. hic exercitus memor, & coronam auream Dictatori libræ pondo decreverit, & proficiſcentem eum patronum ſalutaverit. *Liv.*

umph,

umph, mingled with ſongs, in which the military liberty prevailed. A. R. 296. Ant. C. 456.

Methinks I ſee poverty enter Rome in triumph with Cincinnatus. It appears here cloathed with purple, and with a pompous equipage: but it does not derive its luſtre from them. It rather adorns that pomp, and exalts the ſplendor of the purple. The Dictator will ſoon return to his field and his labour: but he will neither be leſs great, nor leſs venerable in his humble, poor cottage, than he is now upon his car of victory. What force, what power has virtue! (*a*) It lends its luſtre to all that ſurrounds it, and imparts to every thing an irradiation of glory and magnificence. Whatever it touches, becomes amiable, conſpicuous, admirable, notwithſtanding an outſide, that ſeems only proper to excite contempt.

The ſame day, by the unanimous conſent of the People, the freedom of Rome was conferred on L. Mamilius of Tuſculum. He had well deſerved it by his zeal in aiding the Romans againſt Herdonius: but however their attention in diſcharging the duties of gratitude, which are often neglected, has ſomething noble, and therefore moſt beautiful in it.

Quintius would have abdicated the Dictatorſhip directly, but for the affair of Volſcius, which the Tribunes would have perpetually prevented from being tried, if the authority of the Dictator had not intervened. He was convicted of having given falſe evidence by many inconteſtable proofs, amongſt others, by Cæſo's being proved to have been abſent from Rome at

(*a*) Quidquid attigit, in ſimilitudinem ſui adducit, & tingit—Interdum domos totas, quas intravit, diſpoſuitque, condecorat. Quidquid tractavit, id amabile, conſpicuum, mirabile facit. *Sene. Epiſt.* 66.

A. R. 296. Ant. C. 456. the time he had accuſed him of committing a murder. The criminal was condemned to perpetual baniſhment; which was a ſmall puniſhment for ſo black a calumny; and retired to Lanuvium. Cæſo was recalled, and the Tribunes, who ſaw how much his father was eſteemed and beloved by the People, did not dare to oppoſe ſo equitable a ſentence.

Cic. pro domo ſua. n. 86.

Quintius then, who had received the ſovereign power of Dictator for ſix months, renounced it at the expiration of ſixteen days in the preſence of the whole People, after having rendered them an account of his adminiſtration.

He carried his generoſity ſtill farther. The Senate having offered him as much of the lands he had conquered, as he ſhould think fit to accept, with as many ſlaves and cattle as were neceſſary to ſtock them; and on another ſide his relations and friends, who had nothing more at heart than to procure a more eaſy fortune for a perſon of his great merit, having uſed their utmoſt endeavours to prevail upon him to receive ſome preſents, he returned them his thanks in terms of great acknowledgment, but would accept of nothing. He had no paſſion nor deſire beyond the field he cultivated, and the laborious life he had embraced: more glorious and contented with his poverty, than the richeſt with their treaſures.

We may obſerve here that the ſhining examples exhibited by Quintius, his love of poverty, his laborious induſtry in cultivating his field, his ſober and frugal life, his zeal for ſerving his country without reward, his conſtant refuſal to accept lands that might augment his revenue; theſe, I ſay, were then the manners of the public, and conſtituted the character of the Roman people. Examples of this kind made

ſo profound an impreſſion upon them, that, in the latter times, when corruption prevailed, and even under the Emperors, the ſame virtues were eſteemed in the perſons who practiſed them: which is a circumſtance not obſerved of any other people. A. R. 296. Ant. C. 456.

The Tribunes of the People were continued for the fifth time.

Q. MINUCIUS.
C. HORATIUS. A. R. 297. Ant. C. 455.

War with the Æqui and Sabines. Dion. l. 10. p. 652—680. Liv. l. 3. c. 30, 31.

The Æqui and Sabines took the field again. They ravaged the lands of the Romans and allies with a boldneſs and inſolence, which gave cauſe to apprehend for Rome itſelf. The Conſuls decreed, that the levies ſhould be made, which the Tribunes, according to their cuſtom, did not fail to oppoſe. Quintius, who had been Dictator the year before, and was returned from the country, was of opinion, that, in caſe the Tribunes ſhould perſiſt in their oppoſition, the Conſuls, and all the Patricians with their clients and friends, ſhould take arms, and march againſt the enemy. He was perſuaded, that their example would bring over a great number of the citizens, and excite the zeal of all thoſe who had a ſincere regard for the public good. He added, that for his part he ſhould be one of the firſt to join in that glorious undertaking, and hoped that he ſhould find in his zeal for his country the priſtine vigour of his youth.

The advice of Quintius being univerſally approved, all the Senators, after having returned home, and armed themſelves, repaired with their children, clients, and friends to the Forum, whither the Conſul C. Horatius had ſummoned the aſſembly. The ſight of ſo many

A. R. 297. Ant. C. 455.

venerable old men, who generouſly devoted themſelves for the preſervation of the commonwealth, made a lively impreſſion upon the People, and drew tears from the eyes of almoſt all that were preſent. The Tribunes ſaw plainly, that they were upon the point of being abandoned, and gave the Conſuls to underſtand, that they had a new propoſal to make, which perhaps would not diſpleaſe the Senate, and might reconcile every thing.

Ten Tribunes of the People are created inſtead of five.

The Senate aſſembled in conſequence. The Tribunes, who were admitted, declared, they would conſent that the levy ſhould be made, upon condition, that inſtead of five, ten Tribunes ſhould be created every year for the future. This new creation did not ſeem at firſt of any prejudice to the commonwealth. Claudius however ſtrongly oppoſed it, and ſhewed in few words, that it was not to be expected the People would become more docile and tractable, when their magiſtrates were multiplied; and that ſo far from it, it would only make them more ſavage and inſolent. Quintius, whoſe authority was ſo highly reſpected, affirmed on the contrary, that to increaſe the number of the Tribunes, would be of advantage to the Senate, becauſe the more there were of them, the leſs would be their union amongſt themſelves. This opinion prevailed, and was confirmed by a decree of the Senate, which permitted the People to create ten Tribunes annually, but upon condition, that none who were in that office at preſent, ſhould be re-elected the firſt year. The People, to prevent all cavil and debate that might ariſe upon that head when the war was over, aſſembled immediately, and nominated the ten Tribunes. This change was made thirty-ſix years after the firſt inſtitution of that office.

The Conſuls immediately marched againſt the enemy, and defeated them without difficulty. A. R. 297. Ant.C. 455.

M. VALERIUS.
SP. VIRGINIUS. A. R. 298. Ant.C. 454.

The Roman People had no war abroad during this year, but diſputes were renewed at home. Icilius, one of the Tribunes, demanded, that ground upon mount Aventine ſhould be granted to the People to build upon. This hill, of no great height, and about twelve ſtadia in circumference, (ſomething more than half a league) was incloſed within the walls of the city, but was not entirely inhabited: there was a void ſpace upon it planted with trees, which ſerved for the convenience of the public. As the Conſuls deferred anſwering, and endeavoured to gain time, the Tribune diſpatched a Serjeant to the Conſuls to command them in his name to aſſemble the Senate immediately, and to repair to it themſelves without delay. The Conſuls, enraged at ſo bold and ſo new a proceeding, ordered the ſerjeant, who brought thoſe orders, to be driven away with ſtripes by a Lictor. Icilius and his collegues, offended at that inſult, ſeized the Lictor, and dragged him away in order to put him to death. The Senate, being unwilling to uſe violence, endeavoured to bring over ſome one of the Tribunes. But Icilius had been beforehand with them, and had made the Tribunes ſwear, that none of them would oppoſe the proceedings of their collegues, their whole ſtrength conſiſting in their union. However, at the requeſt of the magiſtrates they releaſed the Lictor. The Senate at length conſented, that the law ſhould paſs. It was, "That "the

Part of mount Aventine granted the People to build upon.

A. R. 298. Ant. C. 454. "the eſtates legally acquired by particulars upon mount Aventine, ſhould continue in their poſſeſſion: that thoſe who ſhould be diſcovered to have built upon ground uſurped either by fraud or force, ſhould be obliged to reſtore it for the uſe of the People, upon being reimburſed the expences they had been at in building, according to eſtimates to be taken by proper perſons: that the reſt of the ground, which belonged to the public, ſhould be diſtributed amongſt the People, without any demand on that account."

There was nothing unreaſonable in this Law, and the Senate ought to have paſſed it of their own accord, and to have prevented the Tribune's demand: but the People obtained nothing from them, but at the point of the ſword, the oppoſition was ſo great, and become in a manner natural between the two Orders. After the publication of the Law, the Plebeians aſſembled, and drew lots for the pieces of ground, which had been granted them. Every one built according to his power. Some joined two or three together, and erected an houſe at their common expence, of which the one had the firſt, and the others the other ſtories. This whole year paſſed in building, which the number of the citizens, that continually augmented, made neceſſary.

But what gave the authority of the Conſuls a conſiderable wound in this diſpute, was that the Tribunes, after the example of Icilius, retained the power of aſſembling the Senate, though at their inſtitution they did not preſume to enter into ſo auguſt a place, without being called in, and uſed to wait in the porch, till they were informed of the reſolutions of the Fathers.

Val. Max. l. 2. c. 2.

The ſame Tribunes of the People were continued. T. ROMI-

T. ROMILIUS.
C. VETURIUS.

A. R. 299.
Ant. C. 453.

Rome had been for ſome years a perpetual ſcene of revolutions. Concord and Diviſion alternately ſucceeded each other. Unity prevailed in the city, whilſt there was war abroad; and aſſoon as peace was reſtored, the domeſtic troubles took place again. They were very violent from the beginning of this year.

The Tribunes propoſe the Agrarian Laws again.

The Tribunes brought on more vigorouſly than ever the affair of the Agrarian Laws, which had been ſuſpended for thirty years, and that of the New Laws, the inſtitution of which had been demanded during a conſiderable length of time. The day appointed for the Aſſembly being arrived, the Tribunes began with the Agrarian Laws. After having expatiated on their juſtice and neceſſity, they left every one that thought fit at liberty to ſpeak in favour of thoſe Laws. Many preſented themſelves, and repeated the great ſervices they had done in war. They exclaimed, that it was highly ſhameful they ſhould have no part of the many lands which they had taken from the enemy, and that all thoſe new inheritances, that of right appertained to the public, ſhould be poſſeſſed by rich particulars, whoſe credit and violence were the only titles they could pretend for enjoying them. They demanded, that as they ſhared with the Patricians in the labours and dangers, in which the occaſions and intereſts of the commonwealth engaged them, they might alſo ſhare with them in the advantages and comforts accruing from them.

The People heard theſe diſcourſes with pleaſure: but nothing affected them ſo much as the ſpeech of L. Siccius, ſirnamed Dentatus. He

was

A. R. 299. Ant. C. 453. was of an advantageous ſtature and perſon, retained all his ſtrength and vigour, though fifty-eight years of age; was a man of ſenſe and prudence, and ſufficiently eloquent for a ſoldier. He advanced into the midſt of the aſſembly, and ſpoke to the following effect. *I ſhould never make an end, Romans, were I to recount the particulars of all that I have done for the ſervice and glory of this commonwealth. To avoid being tedious, I ſhall only repeat in few words the principal actions of my life. This is the fortieth year that I have ſerved my country, and the thirtieth that I have been an officer, ſometimes at the head of a battalion, and ſometimes as commander of a Legion. During the forty years that I have carried arms, I have been in twenty-ſix battles; I have received forty-five wounds, all honourable, and none that I have reaſon to be aſhamed of. I received twelve in one day, when Herdonius had ſeized the Capitol. I have been in few battles, without bringing off the prize* (1) *of valour. I have*

Dionyſ. l. 10.

(1) Kennet, *in his* Roman Antiquities, (Part II. c. 16.) *gives the following account of the military rewards mentioned here, which it was thought proper to inſert at length in this place.*

The encouragement of valour and induſtry was much more conſiderable than the proceedings againſt the contrary vices. The moſt conſiderable (not to ſpeak of the Promotion from one ſtation to another, nor of the occaſional donatives *in money, diſtinguiſhed by this name from the largeſſes beſtowed on the common People, and termed* Congiarii) *were, firſt, the* Dona Imperatoria; *ſuch as*

The Haſta pura, *a fine ſpear of wood without any iron on it; ſuch an one as Virgil has given Sylvius in the ſixth book of the Æneids, ver.* 760.

Ille, vides? pura juvenis qui nititur haſta.

This preſent was uſually beſtowed on him, who in ſome little ſkirmiſh had killed an enemy, engaging him hand to hand They were reckoned very honourable gifts, and the Gods are commonly repreſented with ſuch ſpears on the old coins. Mr. Walker derives hence the cuſtom of our great officers carrying white rods or ſtaves, as enſigns of their places.

The

have been crowned fourteen times by as many citizens, whoſe lives I had ſaved on different occaſions. I have obtained the crown Obſidionalis, after having A. R. 299. Ant. C. 453.

The Armillæ, *a ſort of bracelets, given upon account of eminent ſervice, only to ſuch as were born Romans.*

The Torques, *golden and ſilver collars, wreathed with curious art and beauty. Pliny attributes the golden collars to the auxiliaries, and the ſilver to the Roman ſoldiers; but this is ſuppoſed to be a miſtake.*

The Phaleræ, *commonly thought to be a ſuit of rich trappings for a horſe, but, becauſe we find them beſtowed on the foot as well as the cavalry, we may rather ſuppoſe them to have been golden chains of like nature with the Torques, only that they ſeem to have hung down to the breaſt; whereas the others went only round the neck. The hopes of theſe two laſt are particularly urged, among the advantages of a military life, by Juvenal,* Sat. XVI. ver. 60.

Ut læti phaleris omnes, & torquibus omnes.

The Vexilla, *a ſort of banners of different colour, worked in ſilk, or other curious materials, ſuch as Auguſtus beſtowed on Agrippa, after he had won the battle of Actium.*

Next to theſe were the ſeveral coronets received on various occaſions. As,

Corona Civica, *given to any ſoldier that had ſaved the life of a Roman citizen in an engagement. This was reckoned more honourable than any other crown, though compoſed of no better materials than oaken boughs. Virgil calls it* Civilis Quercus, *Æn.* VI. ver. 772.

Atq; umbrata gerunt civili tempora quercu.

*Plutarch has gueſſed very happily at the reaſon why the branches of this tree ſhould be made uſe of before all others. For the oaken wreath, ſays he, being otherwiſe ſacred to Jupiter, the great guardian of their city; they might therefore think it the moſt proper ornament for him who had preſerved a citizen. Beſides, the oak may very well claim the preference in this caſe; becauſe in the primitive times, that tree alone was thought almoſt ſufficient for the preſerving of man's life: Its acorns were the principal diet of the old mortals, and the honey, which was commonly found there, preſented them with a very pleaſant * liquor.*

It was a particular honour conferred on the perſons who had merited this crown, that, when they came to any of the public ſhows, the whole company, as well Senate as People, ſhould ſignify their reſpect, by riſing up when they ſaw them enter; and that they ſhould take their ſeat on theſe

* Vide Plutarch. in Coriolan.

occaſions

A. R. 299. Ant. C. 453. *ving obliged the enemy to raiſe a ſiege. I have been three times rewarded with the mural crown, for having been the firſt upon the enemy's walls. I have had eight more, given me by the generals of our armies, for having re-taken the enſigns of the Legions from the enemy. Amongſt the proofs of my valour, I reckon fourſcore and three gold chains, ſixty bracelets of the ſame metal,*

occaſions amongſt the Senators; being alſo excuſed from all troubleſome duties and ſervices in their own perſons, and procuring the ſame immunity for their father, and grandfather by his ſide. *

Corona Muralis, *given to him who firſt ſcaled the walls of a city in a general aſſault; and therefore in the ſhape of it there was ſome alluſion made to the figure of a wall.*

Corona Caſtrenſis, *or* Vallaris, *the reward of him who had forced the enemy's intrenchments.*

Corona Navalis, *beſtowed on ſuch as had ſignalized their valour in an engagement at ſea; being ſet round with figures like beaks of ſhips.*

—Cui belli inſigne ſuperbū
Tempora navali fulgent roſtrata corona.

Virg. Æn. VIII. *v.* 684.

Lipſius fancies the Corona Navalis *and the* Roſtrata, *to have been two diſtinct ſpecies, though they are generally believed to be the ſame kind of crown.*

Corona Obſidionalis: *This was not like the reſt, given by the general to the ſoldiers, but preſented by the common conſent of the ſoldiers to the general, when he had delivered the Romans or their allies from a ſiege. It was compoſed of the graſs growing in the beſieged place.*

Corona Triumphalis, *made with wreaths of laurel, and proper only to ſuch generals as had the honour of a triumph. In after-ages this was changed for gold,* [Aurum Coronarium] *and not reſtrained only to thoſe that actually triumphed, but preſented on ſeveral other accounts, as commonly by the foreign States and Provinces to their patron and benefactors. Several of the other crowns too are thought to have been of gold; as the* Caſtrenſis, *the* Mural, *and the* Naval.

Beſides theſe, we meet with the Coronæ aureæ, *often beſtowed on ſoldiers without any other additional term.*

And Dion Caſſius mentions a particular ſort of coronet made with olive boughs, and beſtowed like the reſt, in conſideration of ſome ſignal act of valour.

Lipſius believes theſe to have ſucceeded in the room of the golden crowns, after the latter were laid aſide.

* Vide Plin. l. 16. c. 4.

eighteen

eighteen ſpears, and twenty-five ſuits of armour, of which nine were taken from as many enemies conquered in ſingle combat. However, Romans, this Siccius, who has no part of his body, that is not covered with ſcars, who, at the price of his ſweat and blood, with his brave fellow-ſoldiers, has acquired for his country ſo many rich territories from the Etruſci, Sabines, Æqui, Volſci, people of Pometia, and other enemies of the Roman name; this Siccius, I ſay, does not poſſeſs a ſingle inch of land, no more than you, Romans, who have been the companions of his labours. The fineſt and beſt part of thoſe inheritances are in the hands of citizens, whoſe inſatiable avidity we all know, who have enjoyed them for many years, without having received them from you, without having paid any price for them, and without being able to ſhew any title for ſo unjuſt a poſſeſſion. Let them, thoſe haughty Patricians, whoſe ſole merit conſiſts in the nobility of their origin, and the recommendation of their names, let them inſtance the glorious exploits which give them the preference to me, and deſerve a reward of which I am not worthy. Suffer your patience to be inſulted no longer, Romans. Shew that you are not ignorant of merit, and that you know how to reward thoſe, who devote themſelves to your ſervice. A. R. 299. Ant. C. 453.

The enumeration which we find in this ſpeech of the military rewards of the Romans, is very remarkable, and certainly merits great attention. How much muſt ſuch marks of honour have exalted the valour of the troops, and inſpired the ſoldiery with noble ſentiments! Inſtead of which, they are generally kept amongſt us in an abject and infamous ſtate, and all their ſervices are forgotten.

The

A. R. 299. Ant. C. 453. The People were ſo much moved with the diſcourſe of Siccius, and conceived ſuch indignation againſt his opponents, that they would no longer give ear to any reply. The demand of the Tribune in this point, ſeemed in effect ſo well founded in juſtice, that it was thought impoſſible to oppoſe it with any colour of reaſon, and the People could ſcarce conſider the tenacious reſiſtance of the Senate in any other manner, than as a notorious refuſal of juſtice, and a partiality entirely to be condemned. So venerable a Body, compoſed of ſo many perſons of well known prudence and virtue, muſt however undoubtedly have had ſtrong reaſons for acting as they did. The poſſeſſion of lands belonging to the public might be unjuſt as to its origin, at which time it both might and ought to have been remedied. But, as the Abbé Vertot obſerves, a new partition would have been attended with great difficulties. For that effect, it would have been neceſſary to have diſcovered, and eſtabliſhed, an exact diſtinction between the antient patrimony of every individual, and what additions had been made to it from the lands of the public. It would even have been neceſſary to have extended that diſtinction ſo as to have decided between the diſtricts of the public domains which the Patricians had purchaſed, and thoſe which they had taken at firſt only under the title of the *Cenſus*, either in their own, or in borrowed, names; and which they had afterwards confounded, as part of the Plebeians had alſo, in their peculiar patrimonies. A long preſcription made it next to impoſſible to trace theſe different uſurpations by the ſtricteſt enquiries. The Patricians had ſince divided thoſe lands amongſt their children as their patrimony; which lands, become hereditary, had paſſed into different

The Senate's reaſons for oppoſing the Agrarian Law.

different houſes, either by title of inheritance, or by ſale and acquiſition. It ſeemed therefore impoſſible to proceed in this affair, without great injuſtice to many perſons in actual poſſeſſion of theſe lands, who had really bought them, and without occaſioning great and univerſal commotions in the commonwealth. Theſe, without doubt, are the reaſons that induced the Senate to oppoſe the eſtabliſhment of the Agrarian Laws ſo obſtinately. The great inconveniences of thoſe Laws evidenced themſelves in the moſt diſtinguiſhed manner under the Gracchi, who, by renewing them, plunged all Italy in trouble and confuſion. A. R. 299. Ant. C. 453.

The Senate oppoſed them on the preſent occaſion wtth more conſtancy than ever. Many aſſemblies were held on this ſubject, in which nothing could be concluded, they were ſo tumultuous. The Tribunes, or at leaſt their officers, were ſometimes roughly handled by the young Patricians. Thoſe who expreſſed moſt zeal for the Conſuls in this conjuncture, were the Poſtumii, the Sempronii, and the Clœlii, three Patrician families highly diſtinguiſhed by their birth, riches, the great number of their creatures, and the fame of their great actions. It was generally believed owing to them that the Agrarian Laws were not confirmed by an ordinance of the People.

Accordingly it was againſt them only the Tribunes directed their reſentment. They cited them to appear before the People, to render them an account of their conduct. Some were for proceeding againſt them with the utmoſt rigour, in order to intimidate the Patricians: but the majority were more mildly inclined. The pretended criminals, having failed to appear at the day aſſigned them, and ſuffered themſelves to

A. R. 299. Ant. C. 453. be condemned by default, had a fine laid on them. The Patricians returned them the ſums they paid, out of the public money.

Soon after, advice came that the Æqui had made an irruption into the territory of the Tuſculans, and that their city was in danger. It was thought ſhameful to defer aiding a people, who ſuffered only on account of their attachment to the Romans. The two Conſuls ſet out at the head of a numerous army, that followed them notwithſtanding the oppoſition of the Tribunes. Siccius was in it, and commanded a body of eight hundred men, whom their age exempted, as well as himſelf, from the ſervice. He both gave good counſels, and rendered great ſervices, to the Conſuls: who, far from expreſſing any gratitude to him on thoſe accounts, were ſuſpected of having ſought to deſtroy him by a dangerous commiſſion (1) which they gave him to ex-

(1) *That dangerous commiſſion was given Siccius by the Conſuls, with deſign to deſtroy him and his veterans, upon account of his late conduct in favour of the Agrarian Law. It was to attack the enemy's camp upon an hill by a way, where, as he repreſented, it was next to impoſſible to avoid being cut off. However, the Conſul inſiſting upon his obedience, upon pain of being diſmiſſed the ſervice with ſhame, he complied, marched by a different way round the hill, and whilſt the two armies were engaged upon the plain, ſurprized the enemy's camp, put the troops in it to the ſword, and then charged the army of the Æqui in the rear, which compleated the victory. Siccius, at night when the ſlaughter was over, retired to the enemy's camp without having loſt a man; where, by the conſent of his veterans, he killed the priſoners and horſes, and burnt the tents, arms, and baggage; leaving none of the marks of victory neceſſary in a triumph. He then ſet out for Rome with his battalion, and by his remonſtrances in the aſſembly, concerning the deſign of the Conſuls to deſtroy him and the veterans, prevented them from being granted a triumph.* See Dionyſ. l. 10.

Mr. Rollin has followed Livy here, who, to the ſurprize of many, ſays nothing of Siccius Dentatus, till his murder by the Decemvirs.

ecute,

ecute, and from which he extricated himſelf ſolely by his valour and conduct. The Æqui were defeated in a battle, wherein they had above ſeven thouſand men killed. The reſt were put to flight, and great ſpoils were taken. The Conſuls cauſed them to be ſold for the benefit of the public treaſury, which was entirely exhauſted. A. R. 299. Ant.C. 453.

Sp. Tarpeius.
A. Aterius. A. R. 300. Ant.C. 452.

Siccius, who was choſen Tribune, on the ſame day that he took poſſeſſion of his office, cited Romilius, one of the Conſuls of the laſt year, before the People. The Edile Allienus did the ſame in reſpect to Veturius, Romilius's collegue. Both were fined.

SECT. III.

The Tribunes of the People ſollicit the paſſing of the Law Terentilla. In conſequence, deputies are at length ſent into Greece, to collect ſuch laws as they ſhould judge moſt agreeable to the cuſtoms and manners of the Romans. On their return, ten commiſſioners, under the name of Decemviri, *are elected to reduce thoſe laws into form. Appius is at the head of them. They prepare ten Tables of laws, which after mature examination are accepted and confirmed by the People. New Decemvirs are choſen, with Appius ſtill at the head of them, to add a ſupplement to thoſe laws. Two tables are drawn up to be annexed to the former ten. The third year the Decemvirs continue themſelves in their office, and commit all kinds of violence. The Sabines and Æqui take the field againſt the Romans: difficulties about levying the army. Siccius is killed by order of the Decemvirs. Appius endeavours to get poſſeſſion of Virginia. Her father, to preſerve her from infamy, is reduced to kill her with his own hand. The two armies revolt, and retire firſt to mount Aventine, and afterwards to the Sacred Mountain. The Decemvirs are reduced to quit their office. Peace is re-eſtabliſhed. Tribunes of the People are choſen. The new Conſuls paſs laws highly in favour of the People. Appius is cited to take his trial, and ſent to priſon, where he and Oppius die. The reſt of the Decemvirs are baniſhed. The* XII *Tables of Laws are ratified by the People in aſſemblies wherein the Conſuls preſide.*

A. R. 300. Ant. C. 452. *The Tribunes of the People ſollicit the paſſing of the Law Terentilla.* Dionyſ. l. 10 p. 673—680. Liv. l. 3. c. 32.

SP. TARPEIUS.
A. ATERIUS.

THE Romans, as we have ſaid already, had hardly any fixed and certain Laws, ſo that

that the Conſuls, and the Senators commiſſioned to act as judges either in their ſtead or in conjunction with them, were abſolute arbiters of the fate of the citizens. Terentillus, a Tribune of the People, had propoſed a law ſeveral years before, by which it was ordained, that inſtead of the arbitrary judgments rendered by the magiſtrates, laws ſhould be inſtituted to ſerve as the rules of Right in the commonwealth, as well in reſpect to the government and public affairs, as the differences between private perſons. A. R. 300. Ant. C. 452.

The Tribunes of the People actually in office ſollicited the execution of the law *Terentilla* with abundance of force and vivacity. The Senate, tired at length with contending, decreed, "That "ambaſſadors ſhould be ſent to the ſeveral "people deſcended from the Greeks and ſettled "in Italy, and alſo to Athens. That after "having examined the laws of thoſe countries, "they ſhould collect ſuch of them as they "ſhould judge moſt agreeable to the preſent "conſtitution of the Roman commonwealth. "That at their return, the Conſuls ſhould de-"liberate with the Senate upon the choice of "legiſlators, of the power to be confided to "them, and the time they were to continue in "office." This was immediately put in execution. Sp. Poſtumius, Servius Sulpicius, and A. Manlius, three perſons of Conſular dignity, were appointed deputies. Three galleys were fitted out for them at the public expence, of a magnificence that might do honour to the Roman people.

A. R. 301. Ant. C. 451.

P. CURIATIUS.
SEXT. QUINTILIUS.

This year was remarkable for a dreadful plague, that raged in the city of Rome and the neighbouring country. It carried off almoſt all the ſlaves, and half the citizens, neither the *phyſicians, nor their relations, being able to aſſiſt them, becauſe aſſoon as people approached the ſick, they were ſeized with the diſtemper. It alſo ſwept off a great number of the magiſtrates, and amongſt the reſt Quintilius, one of the Conſuls. The plague, which had occaſioned the cultivation of the lands to be neglected, was followed by a famine.

A. R. 302. Ant. C. 450.

C. MENENIUS.
P. SESTIUS CAPITOLINUS.

Ten commiſſioners, under the name of Decemviri, *are choſen to reduce the laws into form.*

The deputies, ſent to collect the laws of Greece, were returned from thence, and the Tribunes preſſed the Senate warmly to proceed to the great affair of the laws. The Conſul Menenius, to whom this change was very diſagreeable, but who was afraid to oppoſe it openly, uſed evaſion, and cauſed it to be repreſented, (for a real or pretended illneſs kept him at home) that as this great affair was to be tranſacted under the next Conſuls, decency, and even juſtice, required, that nothing ſhould be done in it, till they were nominated. He was in hopes, that the election of Conſuls might ſuſpend that of Decemvirs, which was much talked of. The eagerneſs of the Tribunes occaſioned the haſtening of the aſſemblies for that

* *According to Pliny*, l. 29. c. 1. *it was not till the 535th year of Rome, that a phyſician came thither from Greece. But the authority of Dionyſ. Hal. is to be preferred.*

purpoſe.

purpoſe. Appius Claudius, whoſe anceſtors had always been firmly attached to the Senate, was elected Conſul, and had T. Genutius for his collegue. A. R. 302. Ant. C. 450.

That obſtacle being removed, the Senate aſſembled, and came to a reſolution, that Decemviri ſhould be elected out of the moſt conſiderable Senators, whoſe authority ſhould continue for one year, to commence from the day of their election: that they ſhould govern the commonwealth with the ſame power as the Conſuls then had, and as the Kings were formerly inveſted with, "but without any appeal from "their judgments, which gave them an exor-"bitant power; that they ſhould take cogni-"zance of all affairs as well public as private; "that all other magiſtrates, and even the Tri-"buneſhip, of which the People were ſo jea-"lous, and in which their whole ſtrength con-"ſiſted, ſhould be aboliſhed; and that all per-"ſons in office ſhould abdicate their authority." This decree was received with great applauſes by the People. The two Conſuls nominated for the enſuing year, were the firſt that ſet the example of abdicating. An aſſembly was immediately held by Centuries, in which the new magiſtrates were created.

Thus in the three hundred and ſecond year from the foundation of the city, the government was changed for the ſecond time, and all authority transferred from the Conſuls to Decemvirs, as it had been from the Kings to the Conſuls: but this laſt change was of very ſhort duration.

It is not eaſy to comprehend, how the Senate and People could unite in creating ten magiſtrates with ſovereign authority, and aboliſhing all other magiſtrates, without any difficulty or oppoſition ariſing on that head. I am

A. R. 302. Ant. C. 450. leſs ſurprized at this on the ſide of the People. I know they had long demanded a Body of laws; that they deteſted the name and power of the Conſuls; and that therefore they conſented to the inſtitution of a new Magiſtracy. I know alſo that the Senate, on their ſide, abhorred the Tribunes, and flattered themſelves with the hope of aboliſhing their power by ſetting up that of the Decemvirs, who were all choſen out of their order. But, beſides that this hope was without any ſolid foundation or probability, did the Senate perceive no inconvenience, no danger, in this new inſtitution? To appoint ten commiſſioners out of that auguſt body, in order to their applying themſelves in concert to the intended collection of laws, nothing could be wiſer. But wherefore were all other magiſtrates to be aboliſhed? Why were theſe to be inveſted with ſovereign and (1) unlimited power? Of what uſe could it be to them in preparing a new Body of laws, which were not to be impoſed on the People by way of force and authority, but to be ſubmitted to their judgment, and not to be accepted by them, till after long and ſerious examination? An annual power, without any limits, is a great temptation; and the Senate, ſo full of wiſdom and foreſight as it was, ought to have apprehended the conſequences of it.

(1) *There was one limitation of their power: that they ſhould make no alteration in the law of the Mons Sacer, for creating of Tribunes; nor in the Icilian law, by which it was made penal to interrupt them in the aſſemblies.*

APPIUS

Appius Claudius. A. R. 302.
T. Genutius. Ant.C. 450.
P. Sestius, &c. *Decemviri.*

The Decemvirs created by the People for the first time, were Appius Claudius and T. Genutius, who had been nominated Consuls for the year following; P. Sestius, Consul for the current year; Sp. Postumius, Serv. Sulpicius, A. Manlius, who had been sent into Greece and had brought back the laws; and T. Romilius, whom Siccius had cited before the People, and who had regained their favour by changing his sentiments: the other three were C. Julius, L. Veturius, and P. Horatius. All these Decemvirs were Senators of Consular dignity. The Tribunes, Ædiles, Questors, and all other magistrates of antient institution, were abolished. Dionys. l. 10. p. 680—684. Liv. l. 3. c. 32—34.

On the expiration of the year, the Decemvirs created for the institution of laws, took possession of the government, and began to give a new form to the commonwealth. Only one of them had the twelve *fasces* (rods and axes) born before him, and the other ensigns of Consular authority. His function was to assemble the Senate, to cause its resolutions to be put in execution, and to discharge the other duties, that naturally appertained to the supreme magistrate. The other Decemvirs, to avoid giving the People any jealousy of their power, had nothing to distinguish them from the rest of the citizens, except a single Officer, called *Accensus*, who walked before each of them. The authority of him that presided, continued only a day according to Livy, after which another took his place; A. R. 303. Ant.C. 449.

and

A. R. 303. Ant. C. 449. and to the end of the year they ſucceeded each other as preſidents in their turns.

In the morning, they all went to their tribunal, where they took cognizance of all contracts with the commonwealth, and between private perſons. They decided diſputes in reſpect to affairs as well within doors as without, of people in ſubjection to the commonwealth, as well as of allies and ſtates, whom there was cauſe to diſtruſt. Juſtice was rendered with all poſſible exactneſs and equity, and every body departed from this tribunal with equal ſatisfaction.

Nothing was more agreeable than the regard they expreſſed for the people's intereſts, and the protection, which the meaneſt of them found againſt the oppreſſion of the Great: ſo that it was generally affirmed in Rome, that there was no longer any occaſion for the Tribunes or other magiſtrates; ſo much was the wiſdom and moderation of this new government admired. What an happineſs would it be for a ſtate to be always governed in this manner! What peace, what tranquillity, would the public and individuals enjoy! What conſolation, what glory, would ſuch an exerciſe of power be to princes and magiſtrates! And how happens it, that perſons in authority are ſo little ſenſible to ſo refined, ſo ſerene an enjoyment?

Amongſt all the Decemvirs, Appius engroſſed the whole glory of the adminiſtration in the judgment of the People, and it might be ſaid in ſome ſenſe, that the whole authority of this magiſtracy veſted in him, by the aſcendant he had aſſumed over his collegues, and the People at the ſame time. He had not only found the ſecret to diſtinguiſh himſelf peculiarly in what he tranſacted in concert with the other Decemvirs; but the mildneſs and affability,

with which he deſcended to the occaſions of the meaneſt and weakeſt of the citizens, and his attention in ſaluting and calling them by their names, had gained him all hearts. (*a*) He had till then been the declared enemy of the Plebeians. His diſpoſition, naturally cruel and violent, through the hatred he had conceived for them, roſe even to ferocity. But on a ſudden he was become another man, and entirely different from what he had been before: he was obliging, humane, popular, and ſolely intent upon pleaſing the multitude, and acquiring their affection. A. R. 303. Ant. C. 449.

So prudent a conduct made every body reliſh the government of the Decemvirs during the firſt year. The perfect union that prevailed amongſt themſelves, far from being prejudicial to particulars, as it too often happens, was attended with entire equity in regard to all the citizens. (*b*) But this joy was ſhort-lived, and coſt dear, as we ſhall ſoon ſee.

The Decemvirs prepare ten tables of laws, which are ratified by the People. Cic. Tuſc. l. 5. p. 105. Strab. l. 14. p. 642. Plin. l. 34. c. 5.

The Decemvirs applied themſelves induſtriouſly during the whole year in preparing their Body of Laws, which they extracted partly from the Ordinances of the Kings of Rome, and partly from what had been borrowed from the laws of Greece, which were interpreted for them by one Hermodorus, (1) a man of great worth, and

(*a*) Regimen totius magiſtratus penes Appium erat, favore plebis: adeoque novum ſibi ingenium induerat, ut plebicola repentè, omniſque auræ popularis captator evaderet, pro truci ſævoque inſectatore plebis. *Liv.*

(*b*) Læta principia magiſtratus ejus nimis luxuriavere. *Liv.*

(1) *Strabo ſays,* Lib. 14. *that Heraclitus wrote a letter to congratulate this Hermodorus upon his ſhare in compiling the Roman laws: to which he added, that in a dream he had ſeen all the nations of the earth proſtrating themſelves before theſe laws after the Perſian manner.*

one

A. R. 303. Ant. C. 449. one of the principal perſons of Epheſus, who, having been baniſhed from his country, happened at that time to be at Rome. Pliny informs us, that a ſtatue was erected in honour of him in the Forum. When they had compleated their work, they cauſed it to be engraved upon ten Tables, which they ſubmitted to the judgment of all the citizens. When they preſented them in the aſſembly of the People, who expected them with impatience, they ſaid, "That "they had laboured, to the utmoſt of their ca- "pacity, to make laws equally in favour of "Great and Small: but that the reflections and "remarks of a great number of perſons might "much improve them. They therefore ex- "horted the citizens to examine each article "maturely in their private capacity; then to "confer together upon them, and to impart to "them (the Decemvirs) whatever they ſhould "conceive it neceſſary to add or retrench. "(*a*) That in conſequence, the Roman People "would have laws, which they could not ſo "properly be ſaid to have accepted and con- "firmed, as to have dictated and compoſed "themſelves."

They were accordingly long expoſed to the view of the public, which had ſufficient leiſure to examine them, and to hear the opinions of the wiſeſt perſons upon them: the ſure and only means of giving laws a fixed and permanent authority. When there remained nothing farther to except againſt, and every body appeared ſatisfied, the Senate firſt approved them by a decree. They were afterwards carried to the aſſembly,

(*a*) Eas leges habiturum populum Romanum, quas conſenſus omnium, non juſſiſſe latas magis, quam tuliſſe videri poſſet. *Liv.*

(called

(called *Comitia Centuriata*) where the People distributed by Centuries, in the preſence of the Pontiffs, Augurs, and other miniſters of divine worſhip, who had performed the uſual ceremonies, had the liberty of giving their ſuffrages. Theſe laws, thus ratified by the unanimous conſent of the whole Roman People, were engraved upon pillars of braſs, and placed in the moſt conſpicuous part of the Forum. (*a*) Thoſe tables, ſays Livy, even in the preſent immenſe heap of laws accumulated upon one another, are ſtill the ſource of all public and private Right. A. R. 303. Ant. C. 449.

As the government of the Decemvirs was upon the point of expiring, they propoſed to the Senate to deliberate upon what kind of magiſtracy it was neceſſary to eſtabliſh for the future. After hearing many reaſons on both ſides, they at length agreed with the opinion of thoſe who were for creating new Decemvirs, and for continuing the adminiſtration of the commonwealth in their hands. It was believed that ſome laws were ſtill wanting to thoſe which had lately been made; that a year had been too ſhort a ſpace of time for giving ſo great a work its final perfection, and that to put the execution of thoſe laws on foot, and to cauſe them to be inviolably obſerved by all the world, the independent and ſovereign authority of the ſame magiſtracy which had prepared them, was requiſite. Such was the reſult of ſeveral deliberations which was the more generally approved, from the Senate's ſeeing themſelves ſtill delivered thereby from the power of the Tribunes, and the Peo-

(*a*) Decem tabularum leges perlatæ ſunt: qui nunc quoque in hoc immenſo aliarum ſuper alias acervatarum legum cumulo, fons omnis publici privatique eſt juris.

ple

A. R. 303. Ant. C. 449. ple from Conſuls, whoſe authority was become almoſt as odious to them as that of Kings.

New Decemvirs created. Appius is continued. Liv. l. 3. c. 35—37.

When the day of the aſſembly for the election of new Decemvirs was appointed, the city was in a much greater and more general ferment than had ever been known upon a like occaſion. The Senators moſt diſtinguiſhed by their age and merit demanded that office, apprehending, no doubt, that if they did not offer themſelves, factious and turbulent perſons might be inveſted with it, and occaſion conſiderable prejudice to the commonwealth. Appius, who ſecretly deſigned to have himſelf continued, ſeeing thoſe great perſons, who had paſſed through all dignities, ſo warm in the purſuit of This, was ſeriouſly alarmed at it. The People, charmed with his paſt conduct whilſt Decemvir, openly profeſſed their deſire to continue him in it, preferably to all others. He at firſt affected a repugnance to charging himſelf a ſecond time with a laborious employment, ſo capable of exciting jealouſy againſt him; and to inſpire his collegues with the deſign of renouncing it, he publicly declared, that as they had diſcharged all the duties of good citizens by their aſſiduous cares for an whole year, it was juſt to grant them repoſe and ſucceſſors. The more difficult he appeared, the more he was ſollicited to comply with the deſires and wiſhes of the whole city. He at length pretended to yield with pain and reluctance to the inſtances of the multitude. He exceeded all his competitors for this office in addreſs, artifice, and management. In the Forum, he was ſeen ſaluting one, giving his hand to another, and walking erect in the midſt of the Duilii and Icilii, thoſe chiefs of the People, and to uſe the expreſſion, props of the Tribuneſhip, and making his court to the multitude

tude by their means. (a) The more falſe and contrary to his character thoſe popular condeſcenſions were, the more he affected to multiply them; in order, if poſſible, to make them appear natural and probable: but in that he much deceived himſelf. For his collegues, who till then had been entirely at his devotion, began to open their eyes, and conceived, that ſuch abandoned civilities and abject ſubmiſſions were not without deſign from a man naturally proud and haughty. A. R. 303. Ant. C. 449.

They however did not venture to oppoſe his views in a direct manner: they had recourſe to a ſtratagem, which, they imagined, might prove ſucceſsful. This was to chuſe him, as the youngeſt amongſt them, to preſide in the aſſembly. It was the cuſtom for the preſident to name the perſons who aſpired at Offices to be filled up. They reckoned by this means to put it out of his power to name himſelf, which had never been done, except by the Tribunes of the People, and that not without giving great offence, as a practice repugnant to decency and the modeſty neceſſary in public affairs. Weak barriers againſt ambition! Appius accepted the offer with joy, and well knew how to turn the obſtacles laid in his way into the means of ſucceſs. Not contented with cauſing himſelf to be elected, he took pains to make the choice of the People for the other nine places fall on his friends, and to exclude the moſt diſtinguiſhed of his competitors, as well as all his collegues of the firſt Decemvirate: and this he alſo effected. Accordingly he was created Legiſlator by the Centuries of the People, with Q. Fabius Vibu-

(a) Quantò magis falſa erant quæ fiebant, tantò plura facere. *Tacit. Hiſt. l.* 45.

lanus,

A. R. 303. Ant.C. 449. lanus, a perſon illuſtrious by three Conſulſhips, irreproachable till then, and diſtinguiſhed by his merit and zeal for the Ariſtocracy, as well as his birth, and the remembrance of the illuſtrious Fabii, of which houſe he was the ſole ſurviving branch. The ſurprizing change which will ſoon appear in this Decemvir, ſhews with (*a*) what facility the down-hill paths of Vice ſometimes enſnare the wiſeſt men. His other collegues amongſt the Patricians were M. Cornelius, M. Servilius, L. Minucius, T. Antonius, and Manius Rabuleius, all people of little merit, but highly attached to his intereſts. But what ſtill more ſurprized the Senate, was that Appius, forgetting his own glory, and that of his anceſtors, was not aſhamed, in order to flatter the late Tribunes, to whom he had ſold his faith, to propoſe three Plebeians for Decemvirs, under pretence that it was but juſt ſome of them ſhould be in that office, to take care of the intereſts of the People. Accordingly he cauſed Q. Petilius, Cæſo Duillius, and Sp. Oppius, to be admitted into it: which entirely gained him the multitude.

A. R. 304. Ant.C. 448.

APPIUS CLAUDIUS.
Q. FABIUS VIBULANUS.
M. CORNELIUS, &c. *Decemviri.*

The year following, on the ides of May, according to the cuſtom of thoſe days, the new Decemvirs entered upon office; (*b*) at which time ended the part Appius had played the year before. He now took off the maſk, and ſhewed

(*a*) Facilis in proclivia vitiorum decurſus eſt. *Senec. de ira, l.* 2. *c.* 1.

(*b*) Ille finis Appio alienæ perſonæ ferendæ fuit. Suo inde vivere ingenio cœpit. *Liv.*

himſelf in his real character. (a) True and ſolid virtues increaſe and acquire ſtrength with time: but feigned and aſſumed characters never ſupport themſelves long, and ſoon return into their own nature. A. R. 304. Ant. C. 448.

The firſt thing the Decemvirs did, was to enter into a ſecret treaty under the moſt dreadful oaths, mutually to ſupport each other, and the authority of the whole Decemvirate, in all the enterprizes which they ſhould think fit, jointly or ſeparately, to undertake; not to diveſt themſelves of the office they had received; to admit no perſon beſides themſelves to have any ſhare in the government; to enjoy all of them the ſame honours, and equal power; to have recourſe very rarely and only upon extreme neceſſity to the Decrees of the Senate, and the Ordinances of the People; and to determine in all things, as far as it ſhould be poſſible, only by themſelves.

The firſt day that they ſhewed themſelves in their formalities, threw every body into terror and conſternation. They appeared in the Forum, each with twelve Lictors before him: whereas till then only one of the Decemvirs, and before them one of the Conſuls, was attended by twelve Lictors; neither did they appear in the city with axes, which were the marks of the power of life and death. A long file of officers, to the number of ſix ſcore, were now ſeen walking before them, with their faſces armed with axes, which denounced beforehand the vi-

(a) Nemo poteſt perſonam diu ferre. Ficta citò in naturam ſuam recidunt. Quibus veritas ſubeſt, quæque, ut ita dicam, ex ſolido enaſcuntur, tempore ipſo in majus meliuſque procedunt. *Senec. de Clem. l. 1. c. 1.*

A. R. 304. Ant. C. 448. olences and cruel executions (*a*) all without diſtinction were to expect, that ſhould preſume, either in the Senate, or the Aſſemblies of the People, to drop one word tending to recal the remembrance of liberty. That is to ſay, that they had given themſelves ten Kings, or rather Tyrants.

They ſuſtained that character wonderfully in their whole conduct. They were almoſt inacceſſible in their perſons: they ſcarce vouchſafed to hear the complaints of ſuch as applied to them: they anſwered with an inſolence and haughtineſs, that confounded all who had any thing to tranſact with them. No kind of juſtice was to be had of them. They concerted in private amongſt themſelves the judgments they rendered in public. If any perſon believed himſelf injured by one of the Decemvirs, and appealed to another, he was ſure to be treated in ſuch a manner, as gave him cauſe to regret his not abiding by his former judgment. After having for ſome time left terror in a manner equally ſuſpended between the citizens of all orders, they at length made the ſtorm fall on the People, and the exceſs to which they carried their oppreſſions is incredible. The report began even to ſpread, that they had ſworn amongſt themſelves to perpetuate their authority, and never to lay it down: which threw the People into deſpair.

(*b*) They then began to turn their eyes towards the Senate, ſeeing no hope of liberty but from thoſe, by whom they formerly appre-

(*a*) Si quis memorem libertatis vocem, aut in Senatu, aut in Populo, miſiſſet.

(*b*) Circumſpectare tum Patritiorum vultus Plebeii, & inde libertatis captare auram, unde ſervitutem timendo, in eum ſtatum remp. adduxerant. *Liv.*

hended

hended being reduced into ſlavery: frivolous fear, A. R. 304. Ant. C. 448.
which had precipitated the commonwealth into its preſent deplorable condition. The principal Senators abhorred and deteſted the Decemvirs, but did not love the Plebeians. They were far from approving what was done, but they could not help thinking and ſaying, that the People ſuffered no more than they deſerved. Hence they were not in haſte to aid thoſe who through a blind paſſion for liberty had plunged themſelves into ſlavery; and they were not ſorry to ſee their chains grow every day more heavy, in hopes that the lively ſenſe of their miſeries might make them deſire the re-eſtabliſhment of Conſuls, and the antient form of government.

The Decemvirs in the mean time carried their inſolence to the higheſt exceſs. They cauſed themſelves to be attended no longer by the Plebeians, as they had done at firſt to gain the People: it was the young nobility who attached themſelves to them, and held it as an honour to accompany them as their guard. It is no wonder that they ſhould find amongſt the vile populace creatures diſpoſed to flatter tyranny, and ready to ſacrifice the public good to their private intereſts. But it is juſt matter of ſurprize, and moſt ſhocking, that many of the order of the Patricians, ſo proud of their nobility and riches, ſhould abandon themſelves to the Decemvirs, and join with them in oppreſſing the liberty of their country. They were not aſhamed to become the Miniſters of thoſe Tyrants, who publickly lorded it with inſupportable haughtineſs over the commonwealth; who paid no regard either to the Senate or People; and deprived the citizens of their fortunes, and diſpoſed of their lives with impunity. For their licence roſe to that pitch. Some were whipped with rods

A. R. 304. Ant. C. 448. like ſlaves, others periſhed by the ax like criminals: and that cruelty might not be unrewarded, they added the confiſcation of eſtates to the murder of thoſe who poſſeſſed them. (*a*) Libertiniſm, and the deſire of vile gains, were the allurements that had corrupted part of the young nobility, and continued them attached to the Tyrants.

Two tables of laws added to the former ten.

The ides of May approached, when the magiſtracy of the Decemvirs was of right to expire. They had prepared two additional tables of laws; amongſt which there was one, that prohibited the Patricians to ally themſelves by marriage with the Plebeians; undoubtedly with deſign to prevent the ties of blood and affinity from reinſtating peace and union between the two orders. There now remained no pretext for continuing themſelves in the Decemvirate. The ides of May therefore were expected with incredible anxiety and impatience.

A. R. 305. Ant. C. 447. *The Decemvirs continue themſelves in office, and exerciſe all kinds of violence.*

That day at length arrived. Appius and his collegues, in contempt of all the rules and cuſtoms of the commonwealth, and even contrary to the laws they had lately paſſed, confirmed themſelves in the Dictatorſhip by their own authority, without calling an aſſembly, or conſulting either the Senate or People.

Dionyſ. l. 11. p. 684—725. Liv. l. 3. c. 38—42.

Every thing ſeemed utterly deſperate. No defender of the public liberty appeared, nor any reſource, either preſent or future, againſt ſo many evils. Rome was no longer to be known, was no longer Rome, It was become the ſeat of Tyranny, and the ſcene of the moſt horrible violences. There was no kind of bad treatment

(*a*) Hac mercede juventus nobilis corrupta, non modò non ire obviam injuriæ, ſed propalam licentiam ſuam malle, quam omnium libertatem. *Liv.*

that

that the Decemvirs did not exerciſe againſt all without exception, that ventured to diſapprove their conduct; baniſhing ſome under frivolous pretexts; putting others to death upon falſe accuſations laid againſt them by their own hirelings, of which they made themſelves the abſolute judges; confiſcating the eſtates of thoſe they condemned to their own uſe, and to that of the young nobility, who ſerved them as their guards; plundering in that manner the richeſt and beſt families, violating ſuch of the wives and maids as were agreeable to their luſt, and ſparing thoſe who oppoſed their brutality no more than ſlaves. They carried their madneſs to ſuch an height, that they compelled moſt of the nobility to abandon Rome, and to fly for refuge to the neighbouring cities of the allies. Hence ſcarce any perſons remained in the city, except ſuch as were of intelligence with the Tyrants, or did not concern themſelves in the leaſt about the good of the commonwealth. A. R. 305. Ant. C. 447.

War with the Sabines and Æqui.

Difficulty in levying the troops.

The deplorable condition to which Rome was reduced, inſpired an univerſal contempt for her in the neighbouring ſtates, who thought it infamous to remain in ſubjection to a city, whoſe liberty ſubſiſted no longer. They believed the occaſion favourable for avenging their paſt defeats, and for making themſelves amends for the loſſes they had ſuſtained. With theſe hopes, they raiſed great armies, and prepared to attack Rome. The Sabines, on the one ſide, diſperſed themſelves over the frontiers of the State, and after having made a great booty, and ſhed abundance of blood in the country, encamped before Eretum, a ſmall city upon the Tiber about ſix or ſeven leagues from Rome. The Æqui on the other ſide entered the country of

A. R. 305. Ant. C. 447. Tuſculum, ravaged a great part of it, and poſted themſelves near Algidum.

This news put the Decemvirs into a great conſternation, who in their dread of two wars ſaw themſelves under the neceſſity of aſſembling the Senate. They were not ignorant of the ſtorm they had to experience, and the reproaches that would be made them for being the ſole cauſe of the ravages of the country, and of all the misfortunes that threatened the Commonwealth. They foreſaw that advantage would be taken of the occaſion for attempting to diveſt them of their power, if they did not oppoſe ſuch attacks with vigour, and make an example of all who ſhould preſume to enter the liſts againſt them. It was however neceſſary for them to reſolve to aſſemble the Senate. When the herald made proclamation to that effect in the Forum, the multitude were entirely aſtoniſhed, becauſe that cuſtom had been diſcontinued from the ſecond year of the Decemvirate. They ſaid to each other, that they were obliged to the enemy for ſeeing any trace of their antient cuſtoms and liberty in the city. As no Senator appeared on the herald's ſummons, the People at firſt thought it a ſign that they did not acknowledge the authority of the Decemvirs, and reſolved to act in the ſame manner on their ſide, by taking no notice of the ſummons, when they ſhould think fit to make the levies. The Decemvirs ſent their officers round to the houſes of the Senators; but upon being informed that they were almoſt all of them in the country, they deferred the aſſembly till the next day.

It was more numerous than had been expected, which exceedingly afflicted the People, who conſidered that conduct as abandoning liberty, and

and betraying the cauſe of the public. If the Senators acted with too much ſubmiſſion in aſſembling, they however ſpoke with abundance of reſolution. After Appius had declared, that the Sabines and Æqui were in arms againſt the Roman People, that it was neceſſary to take the field againſt them, and that the approach of the enemy would admit of no delays; L. Valerius Potitus, without giving him time to conclude, roſe up to ſpeak out of his turn. When Appius would have prevented him, by telling him that he ſhould be heard in his turn: *The queſtion is not to anſwer you*, replied Valerius. *I have other things of greater importance, and more neceſſary, to propoſe to the Senate, concerning your intrigues, and the conſpiracy which you have formed againſt the State. Remember, Appius, I am a Senator, and that my name is Valerius.* But rightly perceiving that no juſtice was to be expected either from him or moſt of his collegues: *It is to you only that I addreſs myſelf*, continued he, ſpeaking to Q. Fabius Vibulanus, *you who have honoured us with three Conſulſhips. If you have ſtill the ſame zeal and the ſame juſt intentions which we have experienced heretofore, exert yourſelf now, and deliver us from the oppreſſion under which we groan. The whole Senate fix their eyes upon you as on their only hope.* The diſpoſition of Fabius was rather light and inconſtant in good, than hardened and tenacious in ill. So unexpected an apoſtrophe confounded him. Characters of this kind, which are neither bad nor malignant in themſelves, often ſuffer themſelves to be drawn in to ſhare in the greateſt crimes by the force of bad example, for want of ſufficient conſtancy in what is good. The collegues of Fabius crouded about him to prevent him from replying, and a great tumult aroſe. But M. Ho-

A. R. 305. Ant. C. 447.

A. R. 305. Ant. C. 447. ratius Barbatus riſing up ſoon after, cauſed ſilence to be made. He was the grandſon of that Horatius, who, after having ſignalized himſelf in the expulſion of the Kings, had been made Conſul with Valerius Publicola. *We are told*, ſaid he, *of wars abroad, and enemies ready to attack us. Have we then either a more formidable war than that made on us in the heart of the ſtate and city, or more declared enemies than theſe ten Tarquins, who under the maſk of Legiſlators, have ſubverted all our laws, and uſurped a tyrannical power, in which they pretend to perpetuate themſelves, even in defiance of the commonwealth. Have they forgot, that it was under the Valerii and Horatii the Kings were expelled from Rome? Do they believe the name of King to have been the ſole object of their purſuit? Do we not give it to Jupiter? Do we not call Romulus our founder by that title? Do we not uſe it every day in our ſacrifices and rites of religion? What we armed againſt, what we abhorred, in Kings, was their pride, their violence, and their abuſe of an authority, legitimate in itſelf, but which they made to degenerate into tyranny. And what we could not ſuffer either in a King, or his ſon, ſhall we now bear in private perſons without title, without power, and void of all authority, though they ſtill preſume to retain the marks of it.*

This diſcourſe put the Decemvirs into a fury. However, as Appius did not yet ſee in what manner the affair would terminate, he contented himſelf with venting ſome reproaches not very exceſſive, and with complaining, that they departed improperly from the matter in deliberation.

Claudius, his uncle, notwithſtanding perſiſted in ſpeaking upon the ſame ſubject, nobody through reſpect venturing to interrupt him: but he treated

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it in a mild and pathetic manner, employing rather entreaties than reproach. "He conjured "him by the manes of his brother Appius, the "Decemvir's father, to conſider rather the ſtrict "and natural tie by which he was bound to "the country that gave him birth, than the "unjuſt compact he had entered into with his "collegues. That it was more for his own ſake "than that of the commonwealth he made him "that requeſt. That the commonwealth either "by fair or foul means could reduce them to "reaſon. That one could not tell, where diſ-"putes carried to extremity, like this, might "end: but that the conſequences it might have, "made him tremble for Appius." He concluded with ſaying, "It was his opinion, that "the Senate ought not to paſs any decree." That was declaring openly enough, that he conſidered the Decemvirs as private perſons, who had no right to aſſemble the Senate. Many were of the ſame opinion. A. R. 305. Ant. C. 447.

Cornelius Maluginenſis, brother to one of the Decemvirs, ſupported their intereſt ſtrongly, under pretence of the good of the public. He ſaid, "That he was ſurprized to ſee ſo many "wiſe and prudent perſons depart from the "point as they did on the preſent occaſion. "That what Valerius and Horatius pretended "in reſpect to the expiration of the power of "the Decemvirs at the ides of May, was "not without foundation, and merited the "mature examination of the Senate at their lei-"ſure: but as the enemy were almoſt at the "gates of Rome, it was neceſſary, previouſly "to all things, to levy the army, and order "the Decemvirs to march immediately againſt "them." This opinion occaſioned a great tu-

mult:

A. R. 305. Ant. C. 447. mult: but as it was ſupported by the young Senators, it paſſed by plurality of voices; which was all the Decemvirs wanted.

Armed with this decree, they made the levy without oppoſition, and ſet out directly, ſome againſt the Sabines, and others againſt the Æqui. Appius was left at Rome with Sp. Oppius: for the rudeſt attacks were expected there, and he was well qualified to ſuſtain them.

The Roman armies were beaten on both ſides, through the behaviour of the ſoldiers, who choſe rather to ſuffer the ſhame of being defeated, than acquire the honour of victory for leaders whom they abhorred and deteſted. What paſſed was rather concerted flights than battles. The loſs was greateſt in the country of the Æqui. The enemy took the camp; and the Romans, deprived of every thing, happily found at Tuſculum an open aſylum, and immediate aid from faithful and generous allies.

When this news came to Rome, it occaſioned great alarm, and gave ſome ſuſpence to domeſtic diviſions. Appius and his collegue took all the neceſſary precautions for the ſafety of the city, and ſent new troops to the two armies, with orders to march againſt the enemy, to prevent them from having any thoughts of attacking Rome.

Two enormous actions, of a very different nature, but equally criminal, made way for great events, and haſtened the ruin of the Decemvirs. The one happened in the camp, and the other in the city.

Siccius is murdered by order of the Decemvirs. L. Siccius, the famous Plebeian, who had diſtinguiſhed himſelf ſo much by his valour, was at that time in the army which had been

Liv. l. 3. c. 43.

ſent

ſent againſt the Sabines. (1) The Decemvirs who commanded it were informed that Siccius often talked with his companions upon the preſent diviſions, that he ſpoke very boldly againſt the Decemvirs, and ſaid that the only remedy for the preſent misfortunes of the commonwealth was to reinſtate the Tribunes of the People. Theſe diſcourſes gave them offence, and the more, as that officer was in great credit. They reſolved therefore to rid themſelves of him; and for that purpoſe, having given him a commiſſion to execute with a ſmall detatchment, they ſecretly ordered the ſoldiers of the party, who were devoted to their intereſt, to aſſaſſinate him in the firſt convenient place they ſhould find. The order was executed. Siccius ſold his life dear. As he was vigorous and robuſt, he killed ſeveral of thoſe who attacked him, but was at length overpowered by numbers. That brave warrior, who had returned victorious from ſo many battles, periſhed at laſt by the hands of ſome traitors, whom the Decemvirs had armed againſt him. At their return, they gave out, that they had fallen into an ambuſcade, and that Siccius, after having defended himſelf a great while, and killed many of the enemies, had been killed himſelf with ſome of his ſoldiers. A. R. 305, Ant. C. 447.

(1) *He had been ſent thither by Appius from Rome. Appius being informed that he talked highly againſt the Decemvirs, ſent for him under pretence of conſulting him concerning affairs of the army; and pretending to be highly pleaſed with his counſels, ſent him in quality of* Legatus, *lieutenant-general, to aſſiſt the Decemvirs that commanded the army againſt the Sabines. Inſtructed by Appius, they received him with outward marks of joy, and upon his adviſing them for good reaſons to remove their camp into the enemy's country, they took that opportunity to rid themſelves of him, and ſent him to mark it out with the detachment of ruffians, by whom he was killed.*

A. R. 305. Ant. C. 447. This news gave the whole army great grief: for he was generally eſteemed and beloved. A cohort was detached by the permiſſion of the Decemvirs, to bury the dead: but when it arrived at the place, they were amazed to find them with their arms and habits on, and that they had not been ſtripped of their ſpoils. On examining on all ſides, no traces were found either of men or horſes, except in the defile through which the Romans had paſſed; and what was ſtill the greateſt proof, there were none but Romans amongſt the dead. They therefore concluded abſolutely, and the thing was evident, that Siccius had not been killed by the enemy, but by his own troops.

When they had buried the reſt, they took up the body of Siccius, and carried it to the camp. The grief and indignation of the army was inconceivable. After they had rendered him all the honours of war, juſtice was demanded againſt the murderers, and the troops were for having them tried and executed immediately, according to martial law. The Decemvirs had made them diſappear, and under pretence that all perſons ſhould be at liberty to accuſe them at Rome, they deferred paſſing judgment in the affair. This murder of Siccius exceedingly exaſperated the ſoldiers, and prepared them already for a revolt.

Appius endeavours to poſſeſs himſelf of Virginia. Her father is reduced to kill her, to preſerve her from infamy. Liv. l. 3. c. 44—49. Diod. Sic. l. 12. c. 86, 87.

Another murder ſtill more deplorable, committed in the city, gave the laſt blow to the Decemvirate. L. Virginius, of a Plebeian family, had a daughter about fifteen years of age: ſhe had been promiſed in marriage to Icilius, who had formerly been Tribune, and was at that time the greateſt beauty in Rome. She had loſt her mother, and was under the tuition of governeſſes, who took care of her education.

Appius,

Appius, who ſaw her by chance, was ſtruck with her exquiſite beauty, and thought of nothing from thenceforth but the means of gratifying his criminal deſires. He employed all the methods to tempt her, that a violent paſſion could ſuggeſt; but (*a*) ſtill found in the invincible chaſtity of Virginia a reſiſtance of proof againſt all his attacks and endeavours. When he ſaw that her ſevere modeſty left him no hopes of ſeducing her, he had recourſe to violence. He ſuborned one of his clients, named M. Claudius, and perfectly inſtructed him how to act. This creature of his was bold and frontleſs, and one of thoſe kind of people, who introduce themſelves into the confidence of the Great only by a criminal complacency for their pleaſures. The infamous miniſter of the Decemvir's debauches, meeting Virginia as ſhe was going with her governeſs to the public ſchools in the Forum, ſtopped her, and claiming her as his ſlave, bade her follow him, or he would oblige her to do ſo by force. Virginia, in amazement and trembling with fear, did not know what he meant; and her governeſs raiſed a great cry, and implored the aſſiſtance of the People. The names of Virginius her father, and Icilius her intended huſband, were heard on all ſides. Relations and friends ran to join her, and the moſt indifferent were moved with the ſight. This ſecured her againſt violence. Claudius, aſſuming a milder tone, ſaid, there was no occaſion for ſo much ſtir: that he had no deſign to employ violence, but ſolely the uſual methods of juſtice; and immediately cited

A. R. 305. Ant. C. 447.

(*a*) Poſtquam omnia pudore ſepta animadverterat, ad crudelem ſuperbamque vim animum convertit. *Liv.*

Virginia

A. R. 305. Ant. C. 447. Virginia before the magiſtrate, whither ſhe followed him by the advice of her relations.

When they came to Appius's tribunal, the claimant repeated his well known tale to the judge, with whom it had been concerted. He ſaid, that Virginia was born in his houſe of one of his ſlaves, from whence ſhe had been ſtolen by her mother and carried to Virginius's wife, who being barren, through grief to ſee herſelf without children, had pretended this girl to be her daughter, and had brought her up as ſuch in her houſe. That he had inconteſtable proofs of the fact, againſt the evidence of which, Virginius himſelf, who had ſo much intereſt in the affair, could have nothing to object. He concluded with demanding, as the abſence of Virginius prevented the matter from being finally adjudged, that it ſhould be decreed proviſionally, that the ſlave ſhould follow her maſter.

An expreſs law, paſſed by the Decemvirs themſelves, decided the caſe in favour of Virginia. (*a*) It declared, "That if a perſon enjoying their liberty ſhould be claimed as a ſlave, ſuch perſon ſhould continue at liberty till a definitive judgment in the caſe." Numitorius, Virginia's uncle, alledged this equitable law in vain. In vain did he repreſent, that as Virginius was abſent in the ſervice of the commonwealth, it was but juſt the judgment ſhould be ſuſpended, till he could appear to defend his daughter in perſon.

Appius, before he paſſed ſentence, ſaid, "That the law which had been cited was a proof of his zeal for the defence of liberty. That if the father were preſent, the maid

(*a*) Ut ſi quis è libertate in ſervitutem aſſereretur, Prætor vindicias ſecundum libertatem daret.

"might

" might be put into his hands without difficul- A. R. 305.
" ty; and therefore that it was neceſſary he Ant. C. 447.
" ſhould be ſent for aſſoon as poſſible. In the
" mean time, he decreed, that ſhe ſhould be
" put into the hands of Claudius, who ſhould
" give good ſecurity to produce her, when the
" father arrived."

This ſentence of Appius was followed by the tears and cries of Virginia, and the women that accompanied her. All who were preſent at this trial trembled with horror and indignation, but no body ventured to explain themſelves openly. Icilius, raiſing great cries, advanced through the croud to defend Virginia. The Lictor, ſaying the judge had paſſed ſentence, oppoſed and thruſt him back roughly. (*a*) So injurious a treatment would have enraged the moſt moderate. Icilius, who was naturally warm and violent, did not ſuffer it patiently. *You muſt remove me from hence, Appius*, ſaid he, *with the ſword, if you would ſtifle the knowledge of your infamous deſign. I am to marry this maid, but to marry her chaſte and a virgin. Therefore aſſemble, if you pleaſe, all your own Lictors, and thoſe of your collegues, and bid them make ready their rods and axes: but the wife of Icilius ſhall not ſtay out of her father's houſe. Though you and your collegues have deprived the People of their Tri-*

(*a*) Placidum quoque ingenium tam atrox injuria accendiſſet. *Ferro hinc tibi ſummovendus ſum, Appi*, inquit, *ut tacitum feras, quod celari vis. Virginem ego hanc ſum ducturus, nuptam pudicamque habiturus. Proinde omnes collegarum quoque Lictores convoca, expediri virgas & ſecuris jube: non manebit extra domum patris ſponſa Icilii. Non, ſi tribunitium auxilium & provocationem Plebi Romanæ, duas arces libertatis tuendæ, ademiſtis, ideo in liberos quoque noſtros conjugeſque regnum veſtræ libidini datum eſt. Sævite in tergum, & in cervices noſtros: pudicitia ſaltem in tuto ſit.*

bunes

A. R. 305. Ant. C. 447. *bunes and appeals, the two ſupports of their liberty, do not imagine that you have an abſolute power to treat our wives and children according to the dictates of your luſt. Rage, tyrannize, if you will, over our perſons; but let chaſtity and innocence at leaſt be exempt from your violence.* Icilius added ſeveral other circumſtances of equal force, and concluded with proteſting, that (*a*) as long as he had life he ſhould retain the courage and conſtancy, with which a juſt and chaſte paſſion for the defence of his wife's liberty ought to inſpire him.

The whole multitude were in great emotion, and ready to proceed to the utmoſt extremities. Appius, who perceived it, and did not expect ſo much reſiſtance, was obliged to give way to it. He ſaid, "He perceived, that Icilius, ſtill "full of the pride and violence of the Tribune, "ſought only to excite tumult: that for the "preſent he would not ſupply him with occa- "ſion. That in reſpect of Virginius's abſence, "his quality of father, and alſo in favour of "the common cauſe of liberty, he was ſatisfied "to defer judgment till next day. But that if "Virginius did not appear, he now gave "warning to Icilius, and all ſuch ſeditious "perſons, that he ſhould proceed in the "caſe, and that his own Lictors, without his "having recourſe to thoſe of his collegues, "would ſuffice for chaſtiſing the inſolence of "the turbulent and refractory." After having continued ſitting ſome time, that he might not ſeem to have come thither ſolely on account of this affair, as nothing farther offered, he roſe,

(*a*) Me vindicantem ſponſam in libertatem, vita citiùs deſeret, quam fides.

and returned home, much mortified with what had paſſed. A. R. 305. Ant. C. 447.

The firſt thing he did after he entered his houſe, was to write to his collegues in the camp not to ſuffer Virginius to leave it, and even to keep him confined under a good guard. The courier was diſpatched immediately: but was too late by ſome hours. The affair of Virginia no ſooner made a noiſe, than Icilius's brother and Numitorius's ſon, two active young men, full of ardor and good-will, took horſe, and riding hard had arrived in very good time at the camp. Virginius had got leave to be abſent, and was ſet out when Appius's courier arrived. For his greater ſecurity, he took the by-road to Rome.

The news of Virginius's arrival conſiderably embarraſſed the Decemvir, but did not extinguiſh his paſſion. The next day early in the morning Virginius repaired to the Forum with his daughter. It was impoſſible to behold her, without being ſenſibly moved. The ſad and neglected air with which ſhe appeared, her mournful and dejected looks, her eyes heavy and ſtreaming with tears, and the rays of beauty which however broke through that cloud of ſadneſs, made powerful impreſſions upon all hearts. Her father, weeping ſtill more than her, held out his hands to the citizens, and implored their aid, repreſenting to them in a pathetic manner his own misfortune, and the danger to which themſelves were upon the point of being expoſed in reſpect to their wives and daughters. Icilius ſaid as much on his ſide.

In the mean time Appius arrived, and with an aſſured and menacing air aſcended his tribunal. To prevent all reſiſtance, he had cauſed the troops under his command to march

A. R. 305. Ant. C. 447. down from the Capitol, and take poſſeſſion of the Forum. The whole city were in expectation of hearing the ſentence about to be paſſed. Claudius complained of not having had juſtice done him the evening before, and repeated in few words the proofs, upon which he founded his claim. The father of the maid and the reſt of her relations, refuted with ſolid and unanſwerable reaſons the pretended impoſture of Virginia's birth. The judge, who was no longer maſter of himſelf, without hearkening farther to her defenders, pronounced Virginia the property of Claudius. Upon hearing that ſentence, all that were preſent lifted up their hands to heaven, and raiſed a great outcry, that expreſſed their grief and indignation. Appius, tranſported with rage and fury, ſaid; that he well knew, there were many factious and ſeditious perſons in the croud, who ſought only to excite tumults: that they would do well to remain quiet, otherwiſe the troops which he had expreſsly cauſed to come thither well knew how to make them. He then ordered the Lictor to remove the People, and make way for Claudius to take his ſlave. The whole multitude were awed and withdrew, and the unhappy Virginia was upon the point of being the prey of her raviſher. Her father then, conſulting only his deſpair, immediately formed within himſelf a dreadful reſolution. He deſired Appius to favour him ſo far as to ſuffer him to aſk the nurſe ſome queſtions in private before his daughter, in order to aſſure himſelf by her anſwers concerning the truth of the fact, and thereby conſole himſelf for the ſentence that had juſt been paſſed. That favour was granted him without difficulty. The croud made way for him to paſs. He took his daughter and her nurſe aſide, and inſenſibly led them

them towards a butcher's ſhop. There ſnatching up a knife, *By this only means in my power, my dear child*, ſaid he, *I defend thy honour and liberty*; and plunged it into her heart. Then drawing out the bloody knife, he cried to Appius, *With this innocent blood, Appius, I devote thy head to the infernal Gods.* A. R. 305. Ant. C. 447.

An horrid noiſe immediately enſued. Virginius, all covered with his daughter's blood, and holding the knife ſtill ſmoking in his hand, ran like a madman on all ſides of the Forum, animating the citizens to recover their liberty. He afterwards opened himſelf a way with the favour of the multitude to the gates of the city, where he mounted an horſe that waited for him, and rode directly towards the camp. A troop of Plebeians to the number of four hundred followed him cloſe.

Icilius, Virginia's intended huſband, and Numitorius her uncle, continued with her body, deploring the guilt of Appius, the fatal beauty of Virginia, and the cruel neceſſity to which her father had been reduced. The (*a*) women cried out with tears: *Is this the reward of chaſtity? Is it to ſatiate the brutality of an infamous Decemvir, that we bring our children into the world?* adding a thouſand other moving complaints, ſuch as grief, which is more lively and tender in their ſex, generally inſpires them with on the like occaſions. The men, and eſpecially Icilius, reſerving their whole indignation for the injuries that affected their country, expreſſed themſelves only againſt the tyranny and oppreſſion of the

(*a*) Sequentes clamitant matronæ, *Eamne liberorum procreandorum conditionem? ea pudicitiæ præmia eſſe?* ceteraque, quæ in tali re muliebris dolor, quo eſt mœſtior imbecillo animo, eo miſerabilia magis querentibus ſubjicit. *Liv.*

A. R. 305. Ant. C. 447. People, who had been deprived of the two firmeſt ſupports of liberty, their Tribunes and Appeals. The multitude was in the higheſt ferment, as well through the enormity of the crime, as the hope of recovering their liberty.

Appius, apprized of theſe emotions, ſent his Lictors to ſeize Icilius, and carry him to priſon. But the latter had already around him, not only a mutinous populace, but two illuſtrious chiefs, who came at that inſtant to put themſelves at the head of the multitude: theſe were Valerius and Horatius. The Decemvir, ſeeing that he was not obeyed, came in perſon, attended by a troop of young Patricians, to animate the Lictors by his preſence and that aid. The People fell upon them, broke their faſces, and made uſe of them againſt themſelves. Appius, apprehending for his own life, withdrew, and ſummoned an aſſembly of the People. That was a great imprudence. Horatius and Valerius followed him thither, and ſeizing the other ſide of the Forum, they ſet the body of Virginia on an high place, from whence it might be ſeen by every body, and having drawn thither a great part of the People, they made the ſtrongeſt invectives againſt Appius, and thoſe that favoured the Decemvirate. This part of the citizens, whether out of reſpect for the illuſtrious perſons who ſpoke to them, or compaſſion for her whoſe beauty had been attended with ſuch dire misfortunes, or the hopes that were given them of re-inſtating the commonwealth in its former condition, became ſo much ſuperior to the faction of the Decemvirs, that except a very ſmall number that ſtill adhered to them, all the reſt abandoned them. Appius, terrified with that deſertion, was obliged to leave the Forum, with his head covered in his robe, and

eſcape

eſcape to a neighbouring houſe. That precaution was neceſſary, and if he had not withdrawn in time, he was in danger of experiencing the People's revenge, and ſuffering the puniſhment he deſerved. Valerius and his party obſerved no longer any meaſures, and by their warm declamations againſt the Decemvirate, fully determined ſuch as till then remained irreſolute. A. R. 305. Ant. C. 447.

But nothing augmented their hatred more againſt the Decemvirs, than the pompous manner in which Virginia's relations celebrated her funeral. Her body was laid on high in the Forum upon a magnificent bed, ſo that every body might ſee it, and carried in a kind of triumph through the whole city. The Roman matrons and virgins came out of their houſes to meet it; ſome threw flowers and wreaths upon the bed, ſome their girdles and bracelets, and others the ornaments of their heads. Nothing that could adorn her obſequies was omitted.

Such was the ſituation of Rome, when Virginius arrived at the camp of Algidus. He ſoon excited a greater tumult there, than he had left in the city. For beſides that the troop of almoſt four hundred citizens who accompanied him, made his arrival remarkable, the knife, which he held in his hand, and the blood with which he was covered, drew on him the eyes of the whole army. Whilſt every body aſked him what had happened, he continued ſilent for ſome time, and anſwered only with his tears. When he recovered himſelf a little, and ſilence had been made, he related from firſt to laſt all that had happened in the city. Then raiſing his hands towards heaven, and addreſſing himſelf to the ſoldiers, he implored them, "Not to impute "a crime to him of which Appius was the ſole "author, nor to conſider him as a parricide

A. R. 305. Ant. C. 447. "and the murderer of his daughter. He added, that the life of Virginia would have been dearer to him than his own, if, in preſerving it, ſhe could have preſerved her liberty and honour: but that, ſeeing her upon the point of being dragged away as a ſlave, to ſatiate the Decemvir's luſt, he believed it better to loſe his child by death, than infamy; and that pity and tenderneſs for her had made him ſeem to become cruel. That he would not have ſurvived his daughter, if he had not hoped, that his fellow-ſoldiers would aſſiſt him in avenging her death. That they alſo had daughters, ſiſters, and wives. That the luſt of Appius had not expired with his daughter, but would become ſtill more outrageous, the longer it was ſuffered with impunity. That his misfortune warned them to guard againſt the like injuries. That as for him, he had loſt his wife; that his daughter, as ſhe could preſerve her honour only by the loſs of her life, had ſuffered an unhappy, but an honeſt death. That he had no longer any thing to fear for his family from the brutality of Appius: that as to the violence he might exerciſe upon his perſon, he well knew how to deliver himſelf from it with the ſame courage as he had his daughter. That it was for them to provide for the ſafety of their honour, lives, liberty, and thoſe of their children."

Theſe complaints of Virginius were followed with the acclamations of the whole multitude. The ſoldiers with one voice aſſured him, they would avenge his grief and their own liberty. At the ſame time a report from Rome ſpread, that the affairs of the Decemvirs were entirely ruined there, and that Appius himſelf, after

having eſcaped the hands of the populace with difficulty, had fled, and was retired into baniſhment: and this rumour, mingled with truth and falſhood, finally determined the army to revolt. *To arms* was the univerſal cry: the ſtandards were pulled up, and the troops took the route of Rome. The Decemvirs, terrified with what they ſaw, and the accounts of what had paſſed in the city, ran to all ſides of the camp to appeaſe the tumult. If they ſpoke mildly, no regard was had to them, and the troops gave no ear to what they ſaid: if they aſſumed a tone of authority, the ſoldiers anſwered, that they had their arms in their hands, and knew how to uſe them. A. R. 305. Ant. C. 447.

Accordingly they marched directly to Rome, paſſed peaceably through the city, and poſted themſelves upon mount Aventine. In their way they exhorted the citizens to recover their liberty, and to create Tribunes of the People: but they uſed no violence, nor any menaces. The Decemvir Sp. Oppius aſſembled the Senate. Their unanimous opinion was, that in the preſent conjuncture gentle meaſures only were to be uſed, as the Decemvirs themſelves had given occaſion for theſe commotions. Sp. Tarpeius, C. Iulius, and P. Sulpicius, three perſons of Conſular dignity, were deputed to the ſoldiers, to demand in the name of the Senate, by whoſe orders they had abandoned the camp, and what they intended, by ſeizing the Aventine in arms. They were not at a loſs for the anſwer they had to make: but, as they had not yet nominated a chief, nobody ventured to take it upon himſelf, nor to incur the reſentment and riſque with which it might be attended. The whole aſſembly cried out confuſedly, that they might

A. R. 305. Ant. C. 447. ſend Valerius and Horatius to them, and that they would give them their anſwer.

When the deputies were withdrawn, Virginius repreſented to the ſoldiers, "That they "had juſt before been at a loſs in a matter of "no great difficulty, only from their being a "multitude without a chief, a body without a "head. That they had given a wiſe anſwer; "but one that was rather the effect of chance "than of a reſolution concerted in common "amongſt them. That it was his opinion, "they would do well to elect ten perſons to "command in chief, who might be called *Mi-*"*litary Tribunes*, a name ſuitable enough to an "office created by the ſoldiers." As they nominated him firſt: *Reſerve*, ſaid he, *theſe marks of eſteem and affection for me till a more convenient occaſion. No dignity can be agreeable to me whilſt my daughter is unrevenged*; *and at a time of trouble like that wherein the commonwealth is at preſent, it is not prudent, in my opinion, to confer offices upon perſons moſt expoſed to the hatred of adverſaries. If you judge me capable of doing you any ſervice, I ſhall do it no leſs in continuing a private perſon.* Ten military Tribunes were accordingly created, and M. Oppius was placed at the head of them.

The other army, which was in the field againſt the Sabines, was not long before it followed this example. The murder of Siccius had exceedingly incenſed them, as we have ſaid before, and aſſoon as they heard that their fellow-ſoldiers had thrown off their obedience to the Decemvirs, they did the ſame with joy. They alſo choſe ten Tribunes upon their march, of whom * Sextus Manlius was the chief; and having joined the other army, they encamped together, and charged the twenty Tribunes with the

* *Livy calls him Manilius.*

the care of the government. M. Oppius and S. Manlius, the moſt conſiderable perſons amongſt thoſe Tribunes, were appointed to preſide in that council. A. R. 305. Ant. C. 447.

The Senate was in great perplexity, and aſſembled every day, but without coming to any reſolution: the whole time paſſed in mutual reproaches, and nothing was concluded. The general opinion was, that Valerius and Horatius ſhould go to mount Aventine, to negociate with the two armies. But they refuſed to go, unleſs the Decemvirs would diveſt themſelves of the marks of dignity, as their authority had expired the year before. The Decemvirs on their ſide, complaining that they were for reducing them to the condition of private perſons, and degrading them of their office, proteſted that they would not quit it, that they had not put the laſt hand to the laws for which they were created, and that they had not cauſed them to be accepted.

The army, upon being informed by Duilius, who had been Tribunne, that after many debates the Senate were come to no fixed reſolution, removed from mount Aventine to the Sacred mountain, as to a place where their anceſtors had laid the firſt foundations of the liberty of the People. Duilius had made them ſenſible, "That the Senators would not act "with any warmth, or give themſelves much "pain about what paſſed, till they ſaw "them abandon the city. That the Sacred "mountain would put the Senate in mind of "the conſtancy of the Plebeians, and make "them ſenſible, that without re-inſtating the "Power of the Tribunes, there was no hope "of union." For the reſt, having eſtabliſhed their camp upon the Sacred mountain, they imitated

A. R. 305. Ant. C. 447.

tated the wiſdom and moderation of their fore-fathers, in not committing any violence. The multitude joined the army; none, whoſe age would permit, diſpenſing with themſelves from following it. Their wives and children accompanied them part of the way, aſking them mournfully, to whoſe care they left them in a city, where neither the honour of women, nor the liberty of the public, were ſafe.

The Decemvirs are obliged to lay down their office.

Rome being in this manner changed into a frightful ſolitude, and nobody appearing in the Forum except ſome few old men, the Senate began to be in real anxiety. *What do you wait for, Fathers,* ſaid ſeveral beſides Horatius and Valerius? *If the Decemvirs perſiſt in their obſtinacy, will you ſuffer every thing to be utterly ruined and loſt? And as for you, Decemvirs, what is this ſame authority of which you are ſo tenacious? Are you for giving your laws to, and ruling over, roofs and walls? Are you not aſhamed to ſee the number of your Lictors almoſt exceed that of the citizens, which remain in the city? What will you do if the enemy come to attack it? And ſuppoſe the People, ſeeing us ſo unconcerned about their removal, ſhould advance hither ſword in hand, what would become of you? Is it your deſign to put an end to your authority only with the entire ruin of the city? Do not you perceive, that it is abſolutely neceſſary either to renounce the People for good and all, or to grant them Tribunes? We ſhall ſooner acquieſce in not having Patrician, than they in wanting Plebeian magiſtrates.* (a) *They extorted that office from our fathers, new and unexperienced to*

(a) Novam inexpertamque eam poteſtatem eripuere patribus noſtris, ne nunc dulcedine ſemel capti ferant deſiderium. Cùm præſertim nec nos temperemus imperiis, quo minus illi auxilii egeant. *Liv. l.* 3. *c.* 52.

them

them at that time: and can any body believe, that after having taſted the ſweets of it for ſo many years, they will conſent to be deprived of it for ever; eſpecially when we have made ſuch an uſe of authority, as makes protection and aid at leaſt as neceſſary to them as ever? A. R. 305. Ant. C. 447.

As the Decemvirs heard diſcourſes of this kind from all ſides, they were overcome by ſo unanimous a concurrence, and declared at laſt, that, as it was judged neceſſary, they ſhould refer themſelves entirely to the reſolutions of the Senate. They only requeſted, that they might be ſecured againſt the hatred and animoſity of the public; repreſenting at the ſame time, that it was not for their intereſt to accuſtom the People, by the puniſhment of the Decemvirs, to ſhed the blood of the Senators.

Tranquillity re-inſtated.

When a decree was paſſed to this effect, Valerius and Horatius were deputed with full powers to conclude a treaty of pacification with the People. It was alſo recommended to them to take proper precautions for preſerving the Decemvirs from the rage and violence of the People. They were received into the camp with univerſal joy, as the Deliverers of the People, and public thanks were given them for all the ſervices they had done them in this affair, as well at its beginning, as now when it was upon the point of being terminated. Icilius ſpoke for the multitude. When they proceeded to treat of the accommodation, and the deputies deſired him to propoſe the demands he had to make, his anſwer, which had been concerted before their arrival, ſhewed, that the People founded their pretenſions ſolely in equity, and not upon the arms which they had in their hands. They demanded the re-eſtabliſhment of Tribunes and appeals, which had been the two firm ſupports of

Tribunes of the People are created. Liv. l. 3. c. 54.

A. R. 305. Ant. C. 447. of the liberty of the People before the creation of the Decemvirs; and that it ſhould not be deemed a crime in any one whatſoever, to have induced the ſoldiers or People to retire to mount Aventine, in order to re-inſtate themſelves in the poſſeſſion of their liberty. Only the article concerning the Decemvirs had ſomething exceſſive in it. The People demanded, that they ſhould be delivered up to them, and threatened to burn them alive.

Your firſt demands, replied the deputies, *are ſo juſt, that we came prepared to grant them of our own accord, becauſe they tend only to ſecure your liberty, without prejudice to others. But as to the laſt, it would be injurious to yourſelves to comply with it: it ſuffices to pardon you ſuch exceſſive ſentiments of anger, but we cannot approve them. You are cruel yourſelves, from the abhorrence of cruelty, and are for lording it over your adverſaries, before you have made ſure of your own freedom. Shall our city never ſee an end of this enmity, and declared war between the Senators and People? You have more occaſion for the ſhield than the ſword: You ought now to think only of well eſtabliſhing your liberty.* The whole aſſembly having referred their pretenſions and intereſts entirely to the deputies, they promiſed to return ſoon, and bring with them the ratification of their demands.

When they gave an account to the Senate of the good ſucceſs of their negotiation, the reſt of the Decemvirs, contrary to their hopes, finding no mention made of puniſhing them, came into every thing. But Appius, the moſt cruel and odious of them all, judging the People's hatred of him from his own for the People, ſaid, *I am not ignorant of what is preparing for me. I well perceive, that attacking us is deferred, till our adverſaries*

verſaries are armed for that purpoſe. The hatred of my enemies can be ſatiated only with my blood. However, I alſo conſent to diveſt myſelf of the Decemvirate. A decree was immediately paſſed to the following effect: "That the Decemvirs "ſhould abdicate their office immediately; that "the Great Pontiff Q. Furius ſhould create "Tribunes of the People; and that no perſon "whatſoever ſhould be liable to proſecution "upon account of the removal of the ſoldiers "and People to mount Aventine." Upon the breaking up of the Senate, the Decemvirs repaired to the aſſembly of the People, and abdicated their office; which occaſioned univerſal joy. A. R. 305. Ant. C. 447.

That news was immediately carried to the camp. All the citizens that had continued in Rome followed the deputies. The other part of the People came at the ſame inſtant to meet them. They congratulated each other upon the recovery of peace and liberty. The deputies, having called the aſſembly, expreſſed themſelves to this effect: *Romans, for the welfare and happineſs of the commonwealth in general, and of each of you in particular, return to your country, your houſhold-gods, wives and children; but return with the ſame wiſdom and moderation, you have ſhewn hitherto, in effect of which, ſo great a multitude, in ſo univerſal a neceſſity, have not committed the leaſt injury to a ſingle field. Go to mount Aventine, from whence you came. There, in that place of happy augury, where you laid the firſt foundations of your liberty, create Tribunes of the People. The Great Pontiff will be there to preſide in your aſſembly.* Thoſe words were received with great joy and prodigious acclamations.

Without

A. R. 305. Ant. C. 447. Without loſs of time, they decamped and marched for Rome, congratulating all they met, and receiving their congratulations. They paſſed through the city with profound ſilence, and halted upon mount Aventine. The Great Pontiff immediately held the aſſembly there, and Tribunes were created. Virginius firſt of all, then L. Icilius, and P. Numitorius, Virginia's uncle, which three had the greateſt ſhare in the ſeceſſion: after them were choſen C. Sicinius, ſon or grandſon of the Sicinius who was created the firſt Tribune upon the Sacred mountain, and M. Duilius, who had diſtinguiſhed himſelf in the office of Tribune of the People, before the creation of Decemvirs, and had always ſtrongly oppoſed them afterwards. Five others leſs known, but in whom they could entirely confide, were added: M. Titinnius, M. Pomponius, C. Apronius, P. Villius, and C. Oppius.

Aſſoon as they entered upon office, on the motion of Icilius, the People decreed, that no perſon whatſoever ſhould be moleſted on account of ſeparating from the Decemvirs. Duilius at the ſame time paſſed a decree for the election of Conſuls, from whom it ſhould be lawful to appeal to the People. Conſuls were immediately elected, who were Valerius and Horatius.

A. R. 306. Ant. C. 446.

L. VALERIUS POTITUS.
M. HORATIUS BARBATUS.

The new Conſuls paſs laws highly in favour of the People. Dionyſ. l. 11. p. 725—727. Liv. l. 3. c. 55. Thoſe two magiſtrates were very popular by diſpoſition, and had inherited abundance of humanity and equity in the government of the commonwealth from their anceſtors. To acquit themſelves of the promiſe they had made the People, when they prevailed on them to lay down

down their arms, of taking a particular care of their intereſts, they paſſed ſeveral Laws highly in their favour. By the firſt it was ordained, that whatever the People ſhould decree in the aſſembly of the Tribes (*Comitia Tributa*) ſhould extend to all the citizens, as well as what was inſtituted in the aſſembly by Centuries (*Comitia Centuriata.*) (*a*) This was giving an infinite force to the Tribunitian laws: for the Tribunes of the People preſided in the aſſemblies by Tribes. To put the privilege of Appeal out of the reach of infraction, they prohibited the creating of any magiſtrate, from whom it ſhould not be lawful to appeal; and by the ſame law, permiſſion was granted to kill any perſon whatſoever, that ſhould undertake to create ſuch a magiſtrate, without being liable to a proſecution for murder on that account. They renewed and ſtrengthened the law, that declared the perſons of the Tribunes ſacred and inviolable, and which prohibited the offering any kind of ill treatment to them upon pain of death. They alſo ordained, that for the future the decrees of the Senate ſhould be depoſited in the temple of Ceres, and kept by the Ediles of the People; whereas before it was in the power of the Conſuls to ſuppreſs or alter thoſe decrees. The Patricians did not dare to oppoſe any of theſe laws; but they received them not without regret. (*b*) For whatever precautions were taken for ſtrengthening the liberty of the People, ſeemed to them a diminution of their power.

A. R. 306. Ant. C. 446.

Appius is cited to take his trial, and put in priſon, where he dies; as does Oppius The reſt of the Decemvirs are baniſhed. Liv. l. 3. c. 56.

The authority of the Tribunes, and the liberty of the People, being thus eſtabliſhed and confirmed,

(*a*) Qua lege Tribunitiis rogationibus telum acerrimum datum eſt. *Liv.*

(*b*) Quicquid enim libertati Plebis caveretur, id ſuis decedere opibus credebant. *Liv.*

A. R. 306. Ant. C. 446. confirmed, the Tribunes thought it time to attack the Decemvirs. They reſolved therefore to cite them before the People, not all together, leſt they ſhould mutually ſupport each other, but one after another, convinced that it would be more eaſy to deal with them in their ſeparate capacity. They began with Appius, who had made himſelf the moſt odious to the People by his oppreſſions, and his treatment of Virginia. The father of that unfortunate maid was his accuſer. The day for his trial being come, and Appius having repaired to the Forum, ſurrounded with a troop of young Patricians, that ſight renewed in the minds of every body the remembrance of thoſe ſad days, when the ſame Patricians, like ſo many guards, made up his train. Virginius then ſpoke to the following effect: *Long diſcourſes are only neceſſary in matters ſuſceptible of doubt and uncertainty. I ſhall therefore loſe no time in accuſing a citizen, from whoſe cruelty you have delivered yourſelves by arms; nor will I ſuffer him to add to his other crimes the impudence of defending himſelf before you againſt the enormities I could charge him with. I paſs over, Appius, all the impious and flagrant actions, which you have committed for two years paſt. I confine myſelf ſolely to one point; and I aſk you, whether it be not true, that you granted Claudius the proviſional poſſeſſion of Virginia, at a time when ſhe enjoyed her liberty. You muſt give me a preciſe anſwer, and conſent to be tried upon this fact: otherwiſe I ſhall commit you to priſon.*

The fact, upon which Appius was interrogated, was ſo evident, and the injuſtice ſo black, that he could not accept the condition propoſed by the Tribune, without conſenting to his own condemnation; and he ſaw no means of extricating himſelf out of that difficulty. However,

 though

though he could neither expect the aid of the other Tribunes, nor the voices of the People in his favour, he implored the interpoſition of the former. When none of them offered to move, and the officer was preparing to ſeize him: *I appeal to the People*, ſaid he. That word, the ſole ſupport of the liberty of the People, from a mouth, which not long before had pronounced ſentence directly oppoſite to that liberty, was followed with ſilence. Every one ſaid to himſelf, "They at length ſaw that there were "Gods, who made human affairs their care. "That the puniſhment of cruelty and pride "was indeed ſlow, but terrible. That he who "had aboliſhed appeals, was now reduced to "have recourſe to them. That the declared "enemy, the ſubverter, of the Rights of the "People, now implored their protection; and "that the unjuſt judge, who had given up a "free perſon to ſlavery, was now abandoned "himſelf to chains and priſons, without any "ſupport from the privilege of his liberty." A. R. 306. Ant. C. 446.

Appius notwithſtanding, compelled to aſſume a character, which could not but coſt his pride abundant mortification, appeared before the People as a ſuppliant, and ſpoke the language of one. He repeated "the great ſervices, which "his anceſtors had done the common-"wealth both in war and peace. He deplored "the unhappy ſucceſs of his zeal for the inte-"reſts of the People, which had made him re-"nounce the Conſulſhip, and drawn the diſ-"pleaſure of the whole Senate upon him, for "having conſented, and devoted himſelf, to "the ſcheme of the new laws, for the eſtabliſh-"ment of equal right between all the citizens. "He invoked the laws he had lately inſti-"tuted, in the view, and in contempt of which,

A. R. 306. Ant.C. 446. "the legiſlator was now to be laid in chains, "and thrown into priſon. That as for the reſt, "he ſhould endeavour to render an account of "his conduct, when an audience ſhould be "granted him for pleading his cauſe. That "for the preſent, he only aſked permiſſion to "defend himſelf as a citizen, and that he might "not be condemned unheard. That if that "juſtice were refuſed him, he again implored "the interceſſion of the Tribunes, and appealed "to the People. That the conduct they ſhould "now obſerve in regard to him, would de-"monſtrate, whether the power of the Tri-"bunes and appeals to the People were only "empty names without force and reality, or "whether oppreſſed citizens found a ſolid ſup-"port in them againſt the injuſtice of ma-"giſtrates."

Virginius, on his ſide, affirmed, "That "Appius Claudius, of all mankind, ought to "find no protection from the laws. Caſt but "your eyes, ſaid he, to yon tribunal, where "this perpetual Decemvir, the declared enemy "of the lives, fortunes, and liberty of the ci-"tizens, paſſing from rapine and murders to "the moſt ſhameful debauches, delivered up to "the infamous miniſter of his vices, in the pre-"ſence of the Roman people, a maid of free "condition and ingenuous birth; tearing her "from the arms of her father like a ſlave taken "in war, and by a cruel ſentence arming the "hands of that unhappy father againſt the life "of his child. That the priſon, which he had "the inſolence to call the manſion-houſe of the "Plebeians, was no leſs intended for him than "others." He concluded with ſaying, "That "as often as Appius ſhould repeat his appeal, "ſo often ſhould he renew the proteſtation he

"had

" had made, of cauſing him to be committed " to priſon if he did not conſent to be tried " upon the ſingle fact he had at firſt propoſed to " him." He was accordingly carried thither. So bold an action was cenſured by no body; it however made a very ſtrong impreſſion upon the minds of the People, who almoſt believed that they carried the uſe of their liberty too far, in treating ſo conſiderable a citizen as Appius with ſo much rigour. The Tribune adjourned the day for his trial to a farther time. A. R. 306. Ant. C. 446.

How difficult it is, in a cauſe, wherein the judges are parties, and are animated by the ſpirit of revenge, to keep within the bounds of ſtrict juſtice, and not to give way in ſome meaſure to paſſion. Appius was criminal: but it was neceſſary to try him in due form. In puniſhing his tyranny, they treated him tyrannically.

C. Claudius, Appius's uncle, who, not being able to ſuffer the crimes of the Decemvirs, and his nephew's enormous abuſe of his authority, had withdrawn to Regillæ, his antient country, quitted his retirement, and returned to Rome, to aſſiſt with all his credit, in ſo urgent a danger, a nephew, whoſe crimes it was well known he had utterly deteſted. That venerable old man was ſeen in the Forum in a mourning habit, attended by his whole family, and a great number of Clients. " He implored the People " not to inflict upon the family of the Claudii " the indignity of cauſing them to be conſider- " ed by poſterity as citizens that merited chains " and priſons. He added, that it was a moſt " ſhameful thing, to ſee a perſon laden with " irons in a dungeon amongſt villains and " thieves, who undoubtedly ought to be an ho- " nour to his deſcendants from the high offices

A. R. 306. Ant. C. 446. "he had filled, and who might be regarded as "the Legiſlator of Rome, and as the author of "the Rights of the public, and of the wiſe in- "ſtitutions which had lately been eſtabliſhed in "the city. He conjured the Romans to ſuffer "their juſt wrath to give way to their natural "humanity and compaſſion, and, at the hum- "ble ſupplication of the whole family of the "Claudii, to grant their grace to a ſingle cri- "minal, rather than reject the requeſt of ſo "many perſons for the guilt of one. That as "for himſelf, he was far from being reconciled "to his nephew; and that what he now did "was ſolely in regard to the honour of his fa- "mily. That, as they had recovered their "liberty by their valour, they might now "ſtrengthen the union between the two orders "by their clemency."

Many were moved with this diſcourſe, leſs in regard to Appius, than out of conſideration for his uncle. But Virginius "implored the citi- "zens rather to have compaſſion on him and "his daughter; and added, that the prayers "of a family, which had exerciſed a cruel ty- "ranny over the People, did not deſerve to be "put in competition with thoſe of three Tri- "bunes, all of them allied to Virginia by the "moſt ſacred ties, and reduced to beg the aid "of the ſame people, whom they were obliged, "by their office, to aſſiſt on all occaſions." Theſe tears appeared the juſteſt: and Appius in conſequence, having loſt all hope, ſuborned death before the farther day for his trial arrived.

His collegue Oppius, who was in the city when that infamous judgment was paſſed, had the ſame fate, and died alſo in priſon before the day for his trial. The eſtates of both were confiſcated for the benefit of the public. The reſt

reſt of their collegues were baniſhed, and their fortunes alſo confiſcated. As for M. Claudius, who had lent himſelf to the Decemvir's crime, he was condemned to die; but at Virginius's requeſt, that ſentence was changed into baniſhment. (*a*) Thus, ſays Livy, the manes of Virginia, more happy after her death than in her life, after having wandered through ſo many houſes in purſuit of juſt vengeance, were at length appeaſed by the puniſhment of all the guilty. A. R. 306. Ant. C. 446.

All theſe executions gave the Senators no ſmall diſquiet, and alarmed them exceedingly. The Tribunes had rendered themſelves almoſt as terrible as the Decemvirs had been before, and gave reaſon to apprehend for the future. Duilius, one of them, delivered the Senate from that fear, and entirely reſtored their tranquillity. Rightly perceiving, that it was conſiſtent with prudence to ſet bounds to a power which became exceſſive: *We have now*, ſaid he in the full aſſembly, *carried both the defence of our liberty, and the puniſhment of our enemies, far enough. For which reaſon, I will not ſuffer any perſon whatſoever to be cited to a trial, or committed to priſon during the reſt of this year. As to the paſt, it is not proper to revive the remembrance of old faults, which ought to be forgotten, after new ones have been expiated by the puniſhment of the Decemvirs: and for the future, the conſtant and unanimous zeal of the two Conſuls for the defence of your liberty, is a ſufficient ſecurity for you, that nothing will happen to require the aid and intervention of the Tribunes.*

(*a*) Maneſque Virginiæ, mortuæ quam vivæ fælicioris, per tot domos ad petendas pœnas vagati, nullo relicto ſonte tandem quieverunt.

A. R. 306. Ant. C. 446.

This declaration of the Tribune, ſo full of wiſdom and moderation, gave the Senate ſome eaſe: but at the ſame time, it occaſioned complaints againſt the Conſuls. They were angry with them for declaring ſo openly and ſo entirely for the People, that a Plebeian magiſtrate ſhould think it neceſſary to take upon him the care of the ſafety and liberty of the Senate preferably to a Patrician magiſtrate; and that their enemies ſhould be tired with the uſe of their power in avenging themſelves, before the Conſuls took any meaſures for oppoſing their licence. Many blamed their own negligence and facility in conſenting to the laws paſſed by thoſe Conſuls in favour of the People: and it was obvious, that the imputations againſt the Decemvirs, which fell in part upon the Senators, had obliged them to comply with the times. However that were, peace and unity were re-eſtabliſhed between the Senate and People.

The Latines and Hernici ſent ambaſſadors to congratulate them upon the occaſion; and to inſtance their gratitude to Jupiter, offered a crown of gold in the Capitol, of a moderate weight, in proportion to the narrow extent of their power. In thoſe times, people regarded piety more than magnificence in acts of religion: *colebantur religiones piè magis quam magnificè.* The ſame ambaſſadors brought advice, that the Æqui and Volſci were making great preparations for war. The Conſuls were ordered to march againſt thoſe enemies. The province of the Sabines fell to the lot of Horatius, and the Æqui and Volſci to Valerius. The levies were made with great facility; and even many ſoldiers, who had ſerved the legal time, entered themſelves as voluntiers for theſe wars.

Before

Before the troops marched out of the city, the new laws, known under the name of the *Twelve Tables*, engraved upon plates of braſs, were propoſed and exhibited to the public. I deferred repeating the magnificent praiſes of them, which we find in Cicero, for this place, to avoid interrupting the thread of our hiſtory by the digreſſion. Only ſome fragments of the XII tables are come down to us. Some of them contained the laws concerning Sacred Things, others the Rights of the public; but the greateſt part of them related to private Right. We ſhall ſee in the ſequel, that Horace had reaſon for calling them the tables that prohibited ſin: *Tabulas peccare vetantes.* We may judge of the exceeding value people ſet upon this work, from the magnificent praiſes given it by Cicero, in the firſt book of the Orator, wherein he is not afraid to prefer it, upon account of the profound wiſdom with which it abounds, to all that the philoſophers had wrote upon the ſame ſubject. The paſſage ſeemed to me too important not to be repeated almoſt at length in this place. "(*a*) Would you know, ſays Cicero by the "mouth

A. R. 306. Ant. C. 446. *The* XII *tables promulgated.*

Ep. 1. l. 2.

(*a*) Sive quis civilem ſcientiam contempletur,——totam hanc deſcriptis omnibus civitatis utilitatibus ac partibus XII Tabulis contineri videbitis. Sive quem iſta præpotens & glorioſa philoſophia delectat (dicam audaciùs) hoſce habet fontes omnium diſputationum ſuarum, qui jure civili & legibus continentur. Ex his enim & dignitatem maximè expetendam videmus, cum verus, juſtus, atque honeſtus labor honoribus, præmiis, atque ſplendore decoratur; vitia autem hominum atque fraudes damnis, ignominiis, vinculis, verberibus, exiliis, morte multantur: & docemur non infinitis concertationumque plenis diſputationibus, ſed auctoritate nutuque legum, domitas habere libidines, coercere omnes cupiditates, noſtra tueri, ab alienis mentes, oculos, manus, abſtinere. Fremant omnes licet, dicam quod ſentio; bibliothecas mehercule omnium philoſophorum mihi videtur XII Tabularum libellus,

A. R. 306. Ant. C. 446. "mouth of Craſſus, the principles of civil ſociety, you will find them comprized in the XII "Tables, wherein is exactly laid down all that "relates to the polity of ſtates, and can contribute to public utility. Or are you fond "of philoſophy; that glorious ſcience, which "looks down on all things in compariſon with "itſelf, I venture to ſay, has no other principles, in all the queſtions it treats, than what "are to be found in our civil Rights and Laws. "For, properly ſpeaking, it is the knowledge "of civil right, which teaches us that honeſty "and virtue are to be preferred to all things, "by ſhewing us, on the one ſide, true and ſolid merit, honoured with rewards, dignities, "and glory; and on the other, guilt and injuſtice, puniſhed with penalties, ignominy, "priſons, ſtripes, baniſhment, and death. And "it does not give us all theſe leſſons in looſe "and dry diſputations, thick-ſown with ſubtleties; but it inſtructs us in a tone of authority "to ſubdue our paſſions, to ſet bounds to all "our appetites, to content ourſelves with our "own, and to withold our hands, eyes, and "deſires, from the poſſeſſions of others. Though "all the world ſhould declare againſt me, I "will ſpeak my ſentiments: The little volume "of the XII Tables, in my opinion, exceeds "the libraries of all the philoſophers, both in "the weight of its authority, and the abundant "utility to be extracted from it." This judgment of Cicero, ſo highly in favour of the laws of the XII Tables, is not to be wondered at, if we reflect, that they were the abridgment, ex-

libellus, ſi quis legum fontes & capita viderit, & auctoritatis pondere & utilitatis ubertate ſuperare. *Lib.* 1. *de orat. n.* 193—195.

tract,

tract, and in a manner the flower of whatever was moſt excellent in the laws of Greece. A. R. 306. Ant. C. 446.

It was in this body of laws, that the ſecurity of the citizens in particular, and of the ſtate in general, conſiſted at Rome. (*a*) To contemn them, ſays Cicero, is not only to ſet aſide the force and obligation of judgments, but to ſubvert the intereſts and ties of civil ſociety. For without them, it would be impoſſible to aſcertain any man's right, or what is his own, and what another's; and there could be no common and uniform rule between all for the obſervance and ſecurity of all. (*b*) Theſe laws, ſays the ſame Cicero again elſewhere, are the ſupport of the dignity and prerogatives we enjoy in the commonwealth, the foundation of liberty, and the ſource of equity and juſtice. They are the life, the ſoul, that animate, guide the councils, form the deciſions, and regulate the judgments, of the ſtate. As our bodies can neither ſubſiſt, nor make any uſe of their nerves, blood, and members, without ſouls; ſo a city can neither ſupport itſelf, nor make any uſe of its members, the citizens, without laws. In free ſtates, the law is the principle, to which every thing is re-

(*a*) Qui jus civile contemnendum putat, is vincula reſolvit non modo judiciorum, ſed etiam utilitatis, vitæque communia. —— Etenim hoc ſublato, nihil eſt quare explo-ratum cuiquam poſſit eſſe, quid ſuum, aut alienum ſit: nihil eſt quod æquabile inter omnes atque unum omnibus eſſe poſſit. *Cic. pro Cæcin. n.* 70.

(*b*) Hoc vinculum eſt hujus dignitatis quâ fruimur in republica, hoc fundamentum libertatis, hic fons æquitatis. Mens, & animus, & conſilium, & ſententia civitatis, poſita eſt in legibus. Ut corpora noſtra ſine mente, ſic civitas ſine lege, ſuis partibus, ut nervis ac ſanguine & membris, uti non poteſt. Legum magiſtri, magiſtratus: legum interpretes, judices: legum denique idcirco omnes ſervi ſumus, ut liberi eſſe poſſimus. *Cic. pro Cluent. n.* 146.

duced,

A. R. 306. Ant. C. 446. duced, and on which every thing depends. The magiſtrates are its miniſters; the judges its interpreters; and the whole people its vaſſals, in order to their being free and independant, by having no other maſter but the Law, or Right.

It muſt be owned, that theſe ideas are great, noble, and magnificent: and they only appear ſo, becauſe they are founded in nature itſelf, or in truth. Cicero (*a*) conſidered human laws, inſtituted for the government of ſtates and the adminiſtration of juſtice, as emanations of that Supreme Law, which enjoins good and prohibits evil; that, in his ſenſe, is no other than God himſelf, whoſe will, all-wiſe and omniſcient, is the primitive rule of all our duties. Accordingly he obſerves, that the magiſtrate (by which word he underſtands all who govern) ought to employ his authority ſolely in preſcribing ſuch things as are good, virtuous, uſeful, and conformable to the laws. For in the ſame manner as the People are ſubſervient to the magiſtrates, magiſtrates are ſubſervient to the laws; and it may be truly ſaid, that the magiſtrate is a ſpeaking law, and the law a mute magiſtrate.

(*a*) Lex nihil aliud eſt niſi recta, & à numine deorum tracta ratio, imperans honeſta, prohibens contraria. *Cic. orat.* 2. *in Anton. n.* 28.

Lex vera atque princeps, apta ad jubendum & vetandum, ratio eſt ſummi Jovis. *De leg.* 2. *n.* 10.

Illa divina mens ſumma lex eſt. *Ib. n.* 11.

Hominum vita juſſis ſupremæ legis obtemperat. *De leg.* 1. *n.* 3.

Videtis magiſtratûs hanc eſſe vim, ut præſit, præſcribatque recta, utilia, & conjuncta cum legibus. Ut enim magiſtratibus leges, ita populo præſunt magiſtratus: veréque dici poteſt, magiſtratum legem eſſe loquentem, legem autem magiſtratum mutum. *De leg.* 3. *n.* 2.

THE ROMAN HISTORY.

BOOK THE FIFTH.

THIS fifth book includes the ſpace of forty-five years, from the 306th to the 351ſt year of Rome. It ends with the beginning of the ſiege of Veii.

SECT. I.

War with the Volſci and Æqui, and againſt the Sabines. The two Conſuls triumph, notwithſtanding the oppoſition of the Senate. Duilius prevents the ſame Tribunes from being continued in office. Domeſtic troubles. The Æqui and Volſci advance to the gates of Rome. Fine ſpeech of Quintius. The enemies are defeated. The Roman people diſhonour themſelves by a judgment which they paſs againſt the Ardeates.

L. VALERIUS.
M. HORATIUS.

A. R. 306. Ant. C. 446.

War with the Æqui and Volſci, and againſt the Sabines.

THE domeſtic troubles, occaſioned by the bad conduct of the Decemvirs, being appeaſed by their abdication and puniſhment, affairs without doors became the ſerious attention of the public.

Dionyſ. l. 11. p. 727—729.

Valerius, Liv. l. 3. c. 60—63.

A. R. 306. Ant. C. 446. Valerius, one of the Conſuls, ſet out with his army againſt the Æqui and Volſci, who had united their forces. As he knew that thoſe people had conceived great contempt for the Roman troops, in conſequence of the advantages they had gained over them, whilſt under the command of the Decemvirs, far from undeceiving them, he induſtriouſly fomented their preſumption, and endeavoured to augment their temerity, by affected evaſions and reſerve, as if he apprehended coming to blows with them. For this reaſon, he pitched his camp upon an eminence of very difficult acceſs, ſurrounded it with a deep foſſé, and took great care to fortify it well. The enemy often advanced to bid him defiance, inſulting and reproaching him with cowardice. He however lay ſtill, and kept cloſe within his intrenchments. Some time after, having received advice, that the enemy had detached the beſt part of their troops to ravage the country of the Latines and Hernici, and that few remained to guard their camp, he marched out of his, and offered them battle. As nobody appeared, he continued the reſt of the day under arms without moving. Night obliged him to retire, when he refreſhed and reſted his troops. The enemy recalled thoſe in haſte that were diſperſed to plunder, who poſted back, not all together, nor in good order, but in ſeparate parties, and in the condition they were found, when they received news of the motion of the Romans. Early the next day, the Conſul made his troops advance towards the enemy's camp, with the reſolution to attack it if they did not come to a battle. After having waited a ſufficient time, as nobody appeared, he gave the ſignal for the attack. The Æqui and Volſci, aſhamed that intrenchments,

and

and not arms and courage, ſhould defend victorious armies, then quitted their camp in order to engage. Before all their troops were marched out, and had time to form themſelves, Valerius attacked them with his infantry, and put them into diſorder. At firſt they fell back: but upon being reproached by their generals for giving ground before beaten enemies, they reſumed courage, and renewed the fight. The Conſul, on his ſide, animated his ſoldiers. "He bade them remember, that this was the "firſt day on which, become free, they had "fought for their free country, no longer un-"der an Appius, but Valerius, who had eſta-"bliſhed its liberty. That they ſhould now "demonſtrate, it was not owing to the ſoldiers, "but the generals, that they had not been vic-"torious in the former battles." Then advancing to the horſe: *Brave Romans*, ſaid he, *you are now to ſupport the dignity of your rank, and your honour. The foot have made the enemy give way: do you compleat their diſorder, and drive them out of the field of battle.* The ardour of the troops was incredible. The enemy could not ſuſtain ſo rude a charge, and broke. Abundance of them were killed in the battle and purſuit: and Valerius remained maſter of their camp with great ſpoils. A. R. 306. Ant. C. 446.

The news of this victory was ſoon carried to the other army that acted againſt the Sabines, and excited a great emulation there. Horatius, by ſkirmiſhing and ſlight engagements, in which his troops had always the advantage, had accuſtomed them to confide rather in their preſent valour, than to remember their paſt defeats under the Decemvirs. The Sabines, encouraged by the ſucceſſes of the year before, inceſſantly harraſſed them, and reproached them with amuſing

A. R. 306. Ant. C. 446. ſing themſelves with petty encounters, whilſt they were afraid to come to a deciſive battle. Theſe reproaches had more effect than they who made them would have deſired. The Romans, enraged on one ſide by repeated inſults, and animated on the other by the example of their fellow-ſoldiers, who were upon the point of returning victorious to Rome, preſſed the Conſul to lead them againſt the enemy. After having well aſſured himſelf of their diſpoſition to engage, he ordered them to prepare for battle the next day. The Romans experienced from the Sabines in the action all that the vigour and courage of an enemy is capable when ſupported by great ſucceſſes. Both ſoldiers and officers, and eſpecially their general, did prodigies of valour. The Roman horſe however behaved ſo well on this occaſion, and ſeconded the Conſul ſo effectually, that he obtained a compleat victory over the enemy. Great numbers of them were killed in the battle, and more taken priſoners. The Conſul made himſelf maſter alſo of their camp, which they were reduced to abandon with their baggage, and all the ſpoils and priſoners they had taken from the Romans in the laſt war.

For both theſe victories ſeparately gained over different enemies, the Senate, out of ill-will to the Conſuls, decreed only one day of ſupplication and thankſgiving to the Gods. But the People, more equitable and religious, acquitted themſelves of the ſame duty the following day; and this ſecond ſolemnity, performed without the decree of the Senate, was more ſplendidly celebrated, and by a greater concourſe of the People, than that of the day before. Narrowneſs of ſpirit and puerility is here evident in that Body, in other things ſo wiſe and venerable.

venerable. Becauſe they are diſſatisfied with the Conſuls, who ſeemed too much attached to the People in their eyes, they retrench a part of the homage, which it was uſual to render the Gods upon the like occaſions. But they carried the ſame diſguſt ſtill farther. A. R. 306. Ant. C. 446.

The two Conſuls triumph, notwithſtanding the oppoſition of the Senate.

The two Conſuls concerted together to arrive near Rome almoſt at the ſame time, that is to ſay, within one day of one another. They ſummoned the Senate to aſſemble in the field of Mars, in order to render an account there of the ſucceſs of the campaign. The principal Senators complained, that they were aſſembled in the midſt of the ſoldiers with deſign to intimidate them. The Conſuls, to leave them no room for ſuch complaints, adjourned the aſſembly to a place called *the Flaminian meadows*. There, they reported what each of them had done at the head of their armies, and demanded that the Senate would be pleaſed to grant them the honour of triumphing. They found every body entirely averſe to them. Amongſt thoſe who oppoſed ſo juſt a demand, none did it more warmly than C. Claudius, the uncle of Appius the Decemvir. The motive of his oppoſition was notoriouſly evident. His violence proceeded from the treatment of his nephew Appius, which he aſcribed particularly to the two Conſuls. His opinion was however followed by the majority, and they were refuſed triumphs. Provoked by that refuſal, and the affront ſo unjuſtly offered them, they addreſſed themſelves to the People, who unanimouſly voted them that honour. This was the firſt time that any one triumphed by an ordinance of the People without the conſent of the Senate. We ſee that Body from time to time continually loſing ſome one or other of its privileges; and may obſerve, that it is al-

A. R. 306. Ant. C. 446.

moſt always ſome injuſtice of its own that occaſions it.

Duilius prevents the re-election of the ſame Tribunes.

Liv. l. 3. c. 64.

This victory of the People and their Tribunes had almoſt occaſioned new matter of trouble, by the combination the latter had entered into to cauſe themſelves to be continued in their office. It happened fortunately to fall to Duilius's lot to preſide at that election. He was a man of ſenſe, who did not ſuffer himſelf to be hurried away with the ſtream, and directed his conduct by the view of the public good. Convinced that ſuch continuation in office would render them extremely odious, and only tend to diſcredit the conduct of the People, he openly declared, that he would not ſuffer any of his collegues to be re-elected. It was in vain for them to preſs him to leave the Tribes at liberty to vote as they thought fit; or, if he found any difficulty in that, to reſign his place to another: he perſiſted to the laſt in his reſolution. To confirm himſelf the more in it, and ſucceed the better in his deſign, he deſired the Conſuls to favour him with their preſence at his tribunal, and aſked them what views they had with reſpect to the aſſembly for the election of Conſuls. As they anſwered, that they were determined to create new ones, he carried them with him to the aſſembly of the People, in order to ſtrengthen himſelf by their ſuffrages, which, from magiſtrates ſo attached to the People as they were, could neither be ſuſpected nor diſagreeable. He there aſked them what they would do in caſe the People, out of gratitude to them for the reeſtabliſhment of their liberty, and their great ſucceſſes in the war, ſhould re-elect them Conſuls. They made the ſame anſwer, and proteſted, that however ſenſible they might be of the great honour intended them, they would not accept

cept it. The People, admiring their perſeverance and conſtancy in ſhewing themſelves to the laſt the reverſe of the Decemvirs, proceeded to the election, and choſe firſt five new Tribunes. But Duilius, ſeeing the party his nine collegues had made ſo ſtrong, that none of their competitors for the Tribuneſhip were likely to have a ſufficient number of voices, diſmiſſed the aſſembly, and would not hold it afterwards for filling up the vacant places. He affirmed, and not without foundation, that he had ſatisfied the law, which no where mentioned, that it was neceſſary at once, and on the ſame day, to create all the ten Tribunes; and which on the contrary ſaid in expreſs terms, *that ſuch perſons as the firſt nominated ſhall adopt for their collegues, ſhall enjoy the ſame privileges, and be deemed Tribunes as legally elected as themſelves.* The nine old ones had nothing to reply, and were obliged to acquieſce. Duilius quitted his office, equally in favour of the Senate and People. There are actions, and a certain conduct, ſo full of reaſon and equity in themſelves, that nobody can refuſe them their eſteem and approbation; and if every body in office behaved in that manner, there would never be either troubles or complaints in ſtates. A. R. 306. Ant. C. 446.

The new Tribunes, in the choice of thoſe they were to nominate to fill up their number, had great regard to the deſire and recommendation of the Senators. They even choſe two Patricians, who had been Conſuls, * Sp. Tarpeius and A. Haterius.

* *The 300th year of Rome.*

A. R. 307. Ant. C. 445.

LAR. HERMINIUS.
T. VIRGINIUS.

Liv. l. 3. c. 65.

Nothing conſiderable happened under theſe Conſuls either within or without doors, and every thing remained in ſufficient tranquillity: only L. Trebonius, one of the Tribunes, to obviate the inconvenience that happened the year before, paſſed a law which ordained, that, in the election of Tribunes, the People for the future ſhould nominate the whole ten themſelves.

A. R. 308. Ant. C. 444.

M. GEGANIUS MACERINUS.
C. JULIUS.

Domeſtic troubles.

The Conſuls having perceived ſome ſecret meaſures taken by the Tribunes againſt the Patrician Youth, which might ſoon blow up the flame of ſedition, if not remedied in time, found means to keep the People within the bounds of their duty, by the reſolution, which they ſeemed to have taken, of levying an army for a war with the Æqui and Volſci, but of which they ſuſpended the execution. Thus, without claſhing with the power of the Tribunes, or expoſing the majeſty of the Senate to new inſults, they eſtabliſhed tranquillity at home and abroad, at leaſt during the greateſt part of the year.

But in the latter months, the antipathy and diviſion of the two Orders began to appear. The young Patricians, always haughty and enterprizing, oppreſſed ſuch of the Plebeians as were weakeſt and moſt expoſed to injury, whilſt the latter found neither the aid nor ſupport they had reaſon to expect from their Tribunes; becauſe the Tribunes themſelves, through their too great eaſineſs and patience, were not exempt from the injurious treatment and violence of the Patrician youth. The People were diſſatisfied on

on that account with their Tribunes, and openly declared, that for the maintenance and ſecurity of their perſons and rights, they had occaſion for ſuch magiſtrates as the Icilii. (a) The elder Senators on their ſide, were ſenſible, that their youth were too turbulent, and carried things too far: But, as there was a kind of neceſſity for one of the parties to exceed the bounds of moderation, and it was impoſſible to keep the balance of government in an exact equilibrio, they thought it better that it ſhould incline on their ſide, and that their youth ſhould carry their pride and haughtineſs too far, rather than their adverſaries: ſo difficult is it, when the defence of liberty is in queſtion, to obſerve a juſt medium, and not to depart from the ſtrict rules of juſtice! Each ſide, under pretext of preſerving its equality, took pains to depreſs the other; and in order to have nothing to apprehend or ſuffer from it, rendered itſelf terrible and oppreſſive: as if it was indiſpenſibly neceſſary that there ſhould be violence on one ſide, and that the one could not be ſecure from injury, without impoſing it upon the other. A. R. 308. Ant. C. 444.

If we reflect on the diſpoſition of mind ſo well deſcribed in this place by Livy, we ſhall find it the real ſource of all the troubles that embroiled the commonwealth. And in this reſpect, the Senate ſeems leaſt excuſable: becauſe,

(a) Seniores contrà patrum, ut nimis feroces ſuos credere juvenes eſſe, ita malle, ſi modus excedendus eſſet, ſuis, quam adverſariis, ſupereſſe animos. Adeo moderatio tuendæ libertatis, dum æquari velle ſimulando ita ſe quiſque extollit ut deprimat alium, in difficili eſt; cavendoque ne metuant homines; metuendos ultrò ſe efficiunt, & injuriam à nobis repulſam, tanquam aut facere aut pati neceſſe ſit, injungimus aliis. *Liv.*

A. R. 308. Ant.C. 444. as (a) Salluſt obſerves, when there is a diſpute between two parties, of which the one is weaker than the other, there ſeems to be reaſon for preſuming, that the ſtrongeſt is the aggreſſor. And indeed, without deſigning to excuſe the People, we ſee the Senate on all occaſions intent upon humbling and depreſſing them, as if the Plebeians had not been a part of the ſtate as well as the Senators, and were incapable and unworthy of having any ſhare in the government.

A. R. 309. Ant.C. 443.

T. QUINTIUS CAPITOLINUS, IV. AGRIPPA FURIUS.

Theſe Conſuls found no ſedition at home, nor war abroad actually on foot: but Rome was menaced both with the one and the other. The diſcord of the citizens could be prevented no longer, the Tribunes and People being extremely exaſperated againſt the Senate, and the aſſemblies reſounding every day with nothing but accuſations againſt ſome Senator or other.

The Æqui and Volſci advance to the gates of Rome. Liv. l. 3. c. 66—70.

On the firſt rumour of theſe domeſtic feuds, the Æqui and Volſci, as if they had been the ſignal of war to them, took arms. Their leaders, prompted by the deſire of ſpoils, repreſented to them, "that every thing was in con-"fuſion at Rome; that neither order nor diſci-"pline were obſerved there; that the levies "could not be made; that the People were "ſolely employed in oppoſing the Senate in "every thing; and that the ardour and viva-"city the Romans formerly had againſt ene-"mies without doors, they now turned againſt

(a) In omni certamine, qui opulentior eſt, etiamſi accipit injuriam, tamen, quia plus poteſt, facere videtur. *Salluſt. in bell. Jugurth.*

"them-

"themſelves, tearing each other like angry "wolves. That the preſent was an happy oc- "caſion for ſurprizing and ſubjecting them." Having joined their forces, they firſt ravaged the country of the Latines; and as nobody appeared to oppoſe them, animated by the authors of the war, who exulted with joy, they advanced to the walls of Rome on the ſide next the gate *Eſquilina*, deſtroying the whole country in the ſight of the Romans by way of inſult. A. R. 309. Ant. C. 443.

When they were marched back to Corbio, laden with booty without reſiſtance, and in good order, the Conſul Quintius called an aſſembly of the People, and ſpoke to them as follows. *Quintius's fine harangue.*

Romans, though I am not conſcious to myſelf of any crime, it is with extreme ſhame that I now appear in your aſſembly. Do you know, and ſhall poſterity be told, that the Æqui aud Volſci, ſcarce capable not long ſince of making head againſt the Hernici, came in arms with impunity to the walls of Rome in the fourth Conſulſhip of T. Quintius! Had I foreſeen, that this year was to be diſtinguiſhed by ſuch ignominy, I ſhould have avoided the Conſulſhip, either by voluntary baniſhment, or even death. Alas! I had enjoyed ſufficient honours: I had lived long enough: I ſhould have died in my third Conſulſhip. For upon whom falls the contempt our enemies have expreſſed for us upon this occaſion? Is it upon your Conſuls, or upon yourſelves, Romans? If it is to be aſcribed to us, take the Conſulſhip from perſons ſo unworthy of it; and if that does not ſuffice, puniſh us as we deſerve. But, if the fault be yours, may the Gods and men forgive you; we only deſire that you ſhould repent of it. No, Romans: they neither deſpiſed your want of courage, nor relied upon their own valour. They know themſelves and you too well. Our diviſions, which are the bane of this city, ſupply them

A. R. 309. Ant. C. 443. *their whole force and confidence. Whilſt we can ſet no bounds to the deſire of rule, nor you to the exceſſive love of liberty; whilſt neither Patricians or Plebeians, can endure each other: they have taken courage, and reſumed their former daring. In the name of the Gods, Romans, what would you have, what do you aim at? You have formed demands upon demands, projects upon projects, againſt us; and we have complied with them all. By a late undertaking, under pretext of eſtabliſhing a kind of equality in the ſtate by new laws, you have infringed all our rights and privileges. We have ſuffered it, and we ſtill ſuffer it. When will our diſcords end? When ſhall we conſider ourſelves as citizens of the ſame city, and as ſons of the ſame country? Can you ſee without pain our lands deſtroyed with fire and ſword, the ſpoils carried off with impunity, and the houſes ſmoking and in flames? Though you are unconcerned about the public intereſt, you will each of you ſoon have an account of your particular loſſes in your lands and farms. Have you wherewithal here to re-imburſe yourſelves? Will your Tribunes repay you what you have loſt? They will give you words and harangues as many as you pleaſe; accuſations in abundance againſt the principal perſons of the city, laws upon laws, and aſſemblies without number. But did any one of you ever leave thoſe aſſemblies richer and better in his affairs than he came to them? What do you carry from them to your wives and children, except reſentment, hatred and enmity public and private? againſt the fatal effects of which it is neither your own virtue nor innocence, but the aid, the arms, of ſtrangers, that ſecure you. It was not ſo when you fought under us in the open field, not in the Forum under your Tribunes; when you made the enemy tremble with your warlike cries in battles, and not the Senators*

by your ſeditious noiſe in the aſſemblies. After having taken conſiderable ſpoils from the enemy, and made yourſelves maſters of their country, you then returned in triumph to your homes and houſhold-gods, laden with ſpoils and glory, as well for yourſelves as the public: whereas now you ſuffer the enemy to go hence enriched with your effects. Do you ſtay till the Æqui and Volſci come to rouze you from your lethargy within theſe walls, and purſue you to your own houſes? Will it then be time enough to rouze and take arms? A. R. 309. Ant. C. 443.

I am ſenſible that more agreeable things might be ſaid to you: but, though I ſhould not follow my natural inclination, neceſſity would now oblige me to ſpeak truth rather than to flatter you. I ſhould be very glad, Romans, to pleaſe you; but I had much rather preſerve you, in whatſoever manner you may be diſpoſed in reſpect to me.

If then you can at length undeceive yourſelves, and open your eyes to the manner in which your Tribunes lead you, and abuſe your credulity; if you will reſume the ſentiments of your fathers, and return to your antient principles, I take upon me, on the forfeit of my life, to defeat and put to flight theſe inſolent ravagers of our lands, to take from them their camp, and to transfer from our walls and gates into their cities this terror of war, which now gives you ſuch great and juſt alarms.

Seldom or ever was the moſt popular harangue of a Tribune received more favourably than this diſcourſe of the Conſul, however awful and ſevere he was. The youth themſelves, whoſe refuſal, in conteſts of this kind, was a powerful reſource againſt the endeavours of the Senate, breathed nothing but arms and war. The ſight of the country-people, who took refuge in the city, and of thoſe who had been driven out of their lands, and were covered with

A. R. 309. Ant. C. 443. wounds, ſtill more moving than any deſcription the Conſul could give of them, filled all the citizens with compaſſion, and at the ſame time, with a warm deſire of revenge.

(*a*) When Quintius quitted this aſſembly, and entered the Senate, all eyes were fixed upon him with admiration, as the ſole aſſertor of the majeſty of the Roman name. The principal Senators ſaid, "That his ſpeech was truly worthy "of the Conſular dignity, worthy of the Con"ſulſhips with which he had been honoured, "and of his whole life illuſtrious by the moſt "glorious offices of the ſtate, that he had often "born, and oftener deſerved. That other Con"ſuls had either ſought abjectly to make their "court to the People, by betraying the honour "of their order; or had rendered them ſtill "more obdurate and untractable by ſupporting "the rights of the Senate with too much rigour "and haughtineſs. That Quintius had admi"rably adapted his diſcourſe to the preſent "conjuncture, that is to ſay, had expreſſed "himſelf in a manner equally proper to ſup"port the majeſty of the Senate, and cement "the good underſtanding between the two or"ders. That they all deſired himſelf and his "collegue to provide for the ſafety of the ſtate. "That at the ſame time they requeſted the Tri"bunes to act in concert with the Conſuls for

(*a*) In Senatum ubi ventum eſt, ibi verò in Quintium omnes verſi, ut unum vindicem majeſtatis Romanæ intueri; & primores patrum dignam dicere concionem imperio conſulari, dignam tot Conſulatibus anteactis, dignam vitâ omni plena honorum ſæpe geſtorum, ſæpius meritorum. Alios Conſules, aut per proditionem dignitatis patrum Plebi adulatos, aut acerbè tuendo jura ordinis aſperiorem domando multitudinem feciſſe: T. Quintium orationem majeſtatis patrum, concordiæque ordinum, & temporum imprimis habuiſſe. *Liv.*

"removing

" removing the enemy from the walls and gates A. R. 309. Ant. C. 443.
" of the city, and to render the People docile
" and ſubmiſſive to the deſires of the Senate.
" That their common country, in ſo preſſing a
" danger, when the enemy, after having ra-
" vaged the lands about Rome, kept the city
" in a manner beſieged, addreſſed itſelf with
" confidence to the Tribunes, and implored
" their aid."

The levies were decreed by the Conſuls, and made, not only without oppoſition, but with incredible promptitude. The Quæſtors brought the enſigns out of the treaſury, and cauſed them to be carried to the field of Mars. The troops marched away at ten in the morning the ſame day, and advanced ten miles from Rome. The next day they came in view of the enemy near Corbio, and encamped. The third day it was reſolved to give battle without loſs of time. On the ſide of the Romans, their juſt rage, enflamed by the boldneſs of the enemy in coming to inſult them under the walls of Rome, and a warm deſire of revenge, would admit no delay. As for the Æqui and Volſci, who ſaw there was no quarter to be expected for them from an enemy againſt whom they had ſo often revolted, deſpair itſelf exalted their courage, and made it neceſſary for them to fight valiantly.

(*a*) As both the Conſuls were with the army, their power was equal. Agrippa, who knew that nothing is more contrary to the ſucceſs of affairs than a divided command, and was ſenſi-

(*a*) In exercitu Romano cum duo Conſules eſſent poteſtate pari; quod ſaluberrimum in adminiſtratione magnarum rerum eſt, ſumma imperii, concedente Agrippa, penes collegam erat. Et prælatus ille facilitati ſummittentis ſe comiter reſpondebat, communicando conſilia laudeſque, & æquando imparem ſibi. *Liv.*

ble

A. R. 309. Ant. C. 443. ble of Quintius's ſuperior abilities in military affairs, reſigned the whole authority to him. The latter, on his ſide, repaid as he ought the generoſity and deference of his collegue in that ſubmiſſion to him, by communicating to him all his counſels, doing every thing in concert with him, giving him a ſhare in the glory of all the ſucceſſes, and in making him his equal in all things without exception. A fine diſpute of generoſity this; and an excellent example for generals of armies, but rarely imitated!

Quintius commanded the right wing, Agrippa the left, and the lieutenant Sp. Poſtumius Albus the centre. Serv. Sulpicius, another general, commanded the cavalry. The foot of the right wing fought with extraordinary bravery, and found a vigorous reſiſtance on the ſide of the Volſci. Sulpicius with the horſe broke through the enemy's main body; and might have returned the ſame way, before the enemy had time to rally and form themſelves: but he thought it better to attack them in the rear, which he did directly, and would have put them into diſorder by puſhing them on that ſide, whilſt they were engaged with the Roman infantry in front, if the cavalry of the Æqui and Volſci had not come up, and charged himſelf vigorouſly. Sulpicius then cried out to his troops, "That they had no time to loſe: that "they were upon the point of being ſurrounded, "and of having their communication cut off "with their own army, if they did not make "an extraordinary effort againſt the enemy's "horſe. That only to put them to flight did "not ſuffice; that it was abſolutely neceſſary to "cut both horſes and men to pieces, in order "to prevent their coming to blows, and re-"newing the battle a ſecond time. That after "having

" having broke through the main body with- A. R. 309.
" out any reſiſtance, they would find little more Ant. C. 443.
" from the horſe." He did not ſpeak to them in vain. The whole Roman cavalry charged the enemy's at the ſame inſtant, and put them to flight. Great part of them were killed with their horſes by the ſpears of the Romans; who then attacked the foot again, and diſpatched an aid du camp to the Conſuls with advice of what had paſſed. The Romans on the wings had already ſome advantage. The news of the cavalry's victory animated them extremely, and on the contrary occaſioned as great conſternation amongſt the Æqui, who already began to give way. The centre of the enemy's army, which had been put into diſorder at firſt by the Roman horſe, was the firſt that broke. Quintius afterwards broke the left wing, and put it to flight. The right made more reſiſtance, and coſt more trouble. Agrippa, who was brave and full of fire, ſeeing that things went better every where than on his ſide, ſnatched an enſign out of the hands of the officer who carried it, and threw it amongſt the enemy where the battle was warmeſt. The ſoldiers, through fear of loſing that enſign, which was deemed the greateſt of diſgraces, threw themſelves with fury upon the enemy, and put them to flight. The victory thus became univerſal. Quintius then ſent to inform his collegue, that he was upon the point of attacking the enemy's camp; but deferred it till he knew whether he had put an end to the battle on his ſide: That if ſo, he would do well to join him with his troops, in order that the whole army might have an equal ſhare in the ſpoils. Agrippa immediately advanced to his collegue; and after having congratulated

A. R. 309. Ant. C. 443. gratulated each other upon their mutual ſucceſs, they attacked the camp, where they found little reſiſtance.

The Conſuls marched back their troops to Rome, laden with the ſpoils they had taken from the enemy, without including thoſe they had recovered, which were all that had been loſt when their country was ravaged. It does not appear, ſays Livy, either that the Conſuls demanded, or the Senate talked of granting them, a triumph; and no reaſon is given, either for their neglecting that honour, or deſpairing to obtain it. For my part, continues the ſame hiſtorian, as far as one may form conjectures concerning times ſo remote, I imagine, that as the Senate ſome years before had refuſed the honour of triumph to the Conſuls Valerius and Horatius, who, beſides the Æqui and Volſci, had conquered the Sabines, a very powerful people, the Conſuls of this year, who had defeated but half thoſe enemies, made a ſcruple of demanding a triumph, leſt, if they obtained it, it might ſeem to be granted rather to perſons than to merit.

However that were, the Conſuls were not the leſs eſteemed and honoured by the public; and I believe my readers will unanimouſly concur in granting them the honour of a triumph, eſpecially on account of the uncommon example each of them gave of a moderation and generoſity, in my opinion, infinitely preferable to the victory itſelf, which was the effect of it: for a miſunderſtanding between the two Conſuls might have prevented it. We but too commonly ſee the moſt important and beſt concerted projects rendered abortive by the jealouſy and ill-will of a companion in command.

The

A. R. 309. Ant. C. 443.

The Roman People diſhonour themſelves by a judgment, which they paſs between the Ardeates and Aricini.

Liv. l. 3. c. 71, 72. Dionyſ. l. 11. p. 729

The Romans diſhonoured their victory over the Æqui and Volſci by a ſelf-intereſted judgment which they paſſed ſome time after. The Aricini and Ardeates had long diſputed the right to a ſmall territory, for which they had fought many battles. Tired at length of war, they agreed to ſubmit to the arbitration of the Roman People, and accordingly referred the difference to their deciſion. The cauſe was pleaded with great force on both ſides: witneſſes were alſo produced, and the People were upon the point of proceeding to vote, when a Roman Plebeian, of fourſcore and three years of age, named Scaptius, roſe up abruptly, and declared to the Aſſembly, "That the territory in queſtion belonged neither to the Aricini "nor the Ardeates, but to the Roman People, "as a dependance of Corioli. That his evi- "dence could not be ſuſpected, becauſe he "had been at the taking of that city, and had "ſerved twenty years when the Romans made "themſelves maſters of it. That he had not "long to live; but that he could not help "claiming poſſeſſion of a territory by his fee- "ble voice, to the acquiſition of which his "armed hands had contributed. That he "firmly adviſed the People not to paſs judg- "ment againſt themſelves through a vicious "and miſtaken ſhame notwithſtanding the "juſtice of their cauſe.

The Conſuls, ſeeing that the aſſembly liſtened to Scaptius not only with ſilence, but a kind of approbation, called gods and men to witneſs, that they did not give their conſent to the notorious injuſtice, which was upon the point of being committed; and accompanied with the principal Senators, they remonſtrated to all the Tribes ſeparately, "That the Roman "People

A. R. 309. Ant. C. 443. "People would diſhonour themſelves eternally, if, in a diſpute which they were choſen "to arbitrate, they adjudged a territory to "themſelves, to which they had never formed "any pretenſion, in prejudice of the parties "concerned: That though the lands in queſtion were not of ſo ſmall value as they really were in reſpect to the Roman People, "and the revenues of them might be ſuppoſed "to be very conſiderable, they would not gain "ſo much by appropriating them to themſelves, as they would loſe by alienating the "allies by ſo groſs and manifeſt an injuſtice; "(a) becauſe loſſes in point of reputation and "public faith are greater than can be valued "or conceived." *And*, ſaid they, *ſhall the deputies of the two ſtates carry home this news? Shall the allies, and enemies, of Rome be told it? What grief will it give the firſt, what joy the latter! Can one imagine, that the neighbouring people will attribute ſo unexampled a judgment to a man like Scaptius, without either name or credit, and in a word equally void of ſenſe and ſhame? And is not the infamy it will reflect upon the Roman People moſt evident, who freely and in cool blood diſgrace themſelves for ever? For what elſe can be the conſequence of ſuch a proceeding?* The Conſuls and Senators, truly concerned for the honour of the People, remonſtrated to this effect in the ſtrongeſt manner to the Tribunes and multitude, mingling the moſt affecting entreaties with repreſentations ſo full of wiſdom.

Both the one and the other were ineffectual. The Tribunes were no longer maſters of the

(a) Nam famæ quidem & fidei damna majora eſſe, quam quæ æſtimari poſſent. *Liv.*

popu-

populace: (*a*) for it was common for the Tribunes to be more governed by the multitude, than the multitude by them. It appears, that the ſuffrages were repeated three ſeveral times. Perhaps that was in effect of the remonſtrances of the Tribunes. The Tribes however obſtinately perſiſted in their opinion, and adjudged the territory in queſtion to the Roman People. It is agreed, that it was their right, and ought to have been adjudged ſo, if the affair had been referred to the deciſion of others, and the Romans had claimed it as parties. But their right to it did not diminiſh the infamy of this ſentence. It gave the Senate more concern, and appeared more iniquitous to them, than to the Aricini and Ardeates themſelves. We ſhall ſee in the ſequel that they made amends for this fault in the only manner in their power.

A. R. 309. Ant. C. 443.

(*a*) Tribuni ferè ſemper reguntur à multitudine magis, quam regunt. *Liv.*

SECT.

SECT. II.

The Tribunes propoſe two laws, which occaſion great tumults: the one for permitting the Patrician and Plebeian families to intermarry; the other for giving the Plebeians a ſhare in the Conſulſhip. Thoſe marriages are permitted; and it is agreed that Military Tribunes with Conſular authority, inſtead of Conſuls, ſhall be elected, and Plebeians admitted into that office. Inſtitution of Cenſors. Functions of thoſe magiſtrates. Effects and advantages of the Cenſorſhip. The Senate ſend immediate aid to the Ardeates, attacked by the Volſci: they afterwards make them entire amends for the injury done them by the ſentence of the People. Great famine at Rome. It gives Sp. Mælius room to entertain thoughts of making himſelf King. He is killed by Servilius Ahala, maſter of the horſe to the Dictator L. Quintius Cincinnatus.

A. R. 310. Ant. C. 442.

M. GENUCIUS.
C. CURTIUS.

The Tribunes propoſe two Laws which occaſion great tumults. Liv. l. 4. c. 1—6. Dionyſ. l. 11. p. 730—736.

VIolent tumults took place at Rome from the beginning of this year, occaſioned by two new important Laws propoſed by the Tribunes of the People. By the firſt, Canuleius its author demanded, that the Patricians and Plebeians ſhould be permitted to intermarry, which was expreſsly prohibited by the Laws of the twelve Tables: by the ſecond, the Tribunes propoſed that the Conſuls ſhould be elected indifferently out of the Senate and People, whereas till then only Patricians had been admitted to exerciſe that office.

It is eaſy to judge how much theſe two demands alarmed the Senators. For which reaſon they received with joy the news, that the Ardeates in reſentment of the judgment given againſt them, had quitted the party of the Romans; that the Veientes had ravaged lands in the dependance of Rome; and that the Volſci and Æqui were making preparations for reſuming their arms, becauſe a place called Verrugo had been fortified, which ſeemed intended to awe them; ſo much did they prefer an unfortunate war to a ſhameful peace. Upon theſe advices, which were much exaggerated, the Senate decreed, that the levies ſhould be made, and far greater preparations of war, if poſſible, than the year before in the Conſulſhip of Quintius. The view of the Senate, in theſe rumours of war, was to put a ſtop to the enterprizes of the Tribunes: but they did not ſucceed in it. Canuleius declared in full Senate, that it was in vain for the Conſuls to endeavour to impoſe upon the People by their uſual terror of enemies ready to enter the country of Rome; and that he would ſooner loſe his life, than ſuffer any troops to be levied, before the two Laws in queſtion were accepted. Thus a new open war was declared between the two Orders of the State: a war of great violence, and carried on on both ſides with all poſſible animoſity. And indeed the ſubject of it was of the moſt affecting and important nature. A. R. 310. Ant. C. 442.

After great diſputes the Law for marriages between the Patricians and Plebeians is accepted.

The Conſuls ſaid, "That the frantic vio-
"lence of the Tribunes roſe ſo high, as to be
"no longer ſupportable. That the enemies
"without doors were nothing in compariſon
"with thoſe Rome had in her boſom. That
"for the reſt, the evil was not ſo much to be
"imputed to the People and their Tribunes,

A. R. 310. Ant. C. 442. "as to the Senate and Conſuls. That what "was conſidered and rewarded in a city, al- "ways gained ground and increaſed exceeding- "ly: that citizens capable of ſerving their "country in peace and war, were formed in "that manner. That great rewards were grant- "ed at Rome to ſedition, which always turned "mightily to the advantage of thoſe that ex- "cited it. That they might remember the "ſtate of grandeur and majeſty in which they "found the Senate when they firſt entered it, "and ſee whether it could juſtly be ſaid, that "they would tranſmit its power augmented "down to their children, as the People might "with reaſon boaſt of having infinitely aug- "mented theirs. That the ſame evils would "always take place, whilſt ſedition continu- "ally terminated with ſucceſs, and the authors "of it were laden with honours and rewards. "That the Tribunes, by the two Laws they "propoſed, ſtruck at the moſt antient inſtitu- "tions, and the moſt ſacred and venerable "cuſtoms, of the Commonwealth. That by "the Law which regarded marriages, they in- "troduced an impure mixture of blood, and "a confuſion of auſpices, as well public as "private; (a) ſo that a child, who ſhould be "born in ſuch marriages, half Patrician and "half Plebeian, in a kind of war with himſelf "in effect of being ſo compounded, would "neither know his condition, of what rank he "was, from what family he deſcended, nor "the ſacrifices proper and perſonal to his ſtate. "That not content to confound all rights hu- "man and divine in this manner, theſe diſ-

(a) Ut, qui natus ſit, ignoret cujus ſanguinis, quorum ſacrorum ſit; dimidius patrum ſit, dimidius plebis, ne ſecum quidem ipſe concors. *Liv.*

"turbers

" turbers of the public tranquillity roſe in their A. R. 310. Ant. C. 442.
" pretenſions ſo high as the Conſulſhip. That
" at firſt they had talked of electing only one
" of the Conſuls out of the People: that now
" they demanded that both ſhould be indiffe-
" rently choſen out of the Senators and Ple-
" beians; in which caſe the People would not
" fail to nominate the moſt ſeditious of their
" own Order: that in conſequence they ſhould
" have Canuleius, Icilius, and the like, for
" Conſuls. That they hoped the moſt high Ju-
" piter would never ſuffer the majeſty of the
" Conſulſhip to be ſo groſsly degraded: and
" that as to them, they had rather die a thou-
" ſand deaths than concur to ſo infamous a diſ-
" grace.

Is there any thing, ſaid they, *more irrational and enormous than the conduct of the Tribunes? They begin by exciting a war againſt us with the neighbours, in ſowing of diſcord at home; and then prohibit arming the citizens for their defence. They in a manner call in the enemy, and oppoſe levying the troops to repulſe them. And dares Canuleius declare to us in open Senate, that if we do not receive his Laws, as from ſome victor, he will prevent the levies? To talk in ſuch terms, what is it but to threaten, that he will betray his country, and deliver it up to the enemy? And indeed, what remains for him to do, except to put himſelf at the head of the Æqui & Volſci, and to attack the citadel and Capitol? Let this author of diſcord know, that the Conſuls are determined to defend themſelves rather againſt the guilt of their own citizens, than the arms of the enemy.*

In this manner people talked in the Senate; and the reader muſt believe, that the Tribunes were not ſilent on their ſide. Canuleius explained himſelf in the aſſembly as follows.

A. R. 310. Ant. C. 442. *Romans, I have already often obſerved, how much the Senators deſpiſe you, and how unworthy they think you of living within the walls of the ſame city with them: but I never perceived it more manifeſtly than this day, in the violence and fury with which they riſe up againſt our Laws. And notwithſtanding, what do we pretend to by theſe Laws, unleſs to make them ſenſible that we are their fellow-citizens, and that if we have not the ſame fortunes as they, we however are inhabitants of the ſame country? By one of theſe Laws we demand the liberty of marriage between the two Orders. Now Marriage is often granted to neighbours, and even ſtrangers. Rome does more, in conferring the freedom of the city upon conquered enemies, a thing undoubtedly far more conſiderable than marriage. By the other Law we propoſe nothing new: we only claim, what has in all times been the right of the Roman People, that is, to confer honours upon whomſoever they think worthy of them. What is there then in all this, that deſerves ſo much noiſe and uproar from the Senators; that they are almoſt ready to fall upon me with violence in their houſe; that they threaten not to ſpare our perſons, and to violate the power of the Tribunes, all ſacred as it is?*

How! If the Roman People be left at liberty to confer the Conſulſhip by their ſuffrages on whom they think fit; if the Plebeians are not deprived of the hope of attaining the firſt office in the ſtate, in caſe they are judged worthy of it, will it not be poſſible for this ſtate to ſubſiſt? will its dominion be at an end? And to demand that a Plebeian may be elected Conſul, is it the ſame thing as to deſire to give that office to a ſlave or a freedman? Do you perceive, Romans, in what contempt you are? They would deprive you of part of this light of heaven, if they could. It is with pain they

ſuffer you to breathe the ſame air with them, that you have the uſe of ſpeech, and the form of men. If we believe them, it were a crime, an enormous crime, to elect a Plebeian Conſul. Though we are not admitted to inſpect the Faſti, and the Annals of the Pontiffs, do we not know, what every ſtranger knows, that the Conſuls ſucceeded the Kings in their office, and that they have no power nor preeminence, but what the latter had before them? And do you believe, Patricians, we never heard that Numa Pompilius was ſent for from his farm in the country by order of the People and Senate, to aſcend the throne, and that he was neither a Patrician, nor a Roman citizen? That L. Tarquinius afterwards, who not only was neither of Roman, nor even of Italian, extraction, the ſon of Demaratus of Corinth, and of Tarquinii, where his father had ſettled, was made King in the lifetime of Ancus's children? That after him Servius Tullius, the ſon of a ſlave, attained the ſovereignty by his excellent qualities and extraordinauy merit? Why ſhould I mention T. Tatius the Sabine, whom Romulus, the founder of our city, thought fit to aſſociate with himſelf in the government? We ſee then that as long as regard has been had at Rome to merit of whatſoever extraction, its dominions have been enlarged, and its power augmented. A. R. 310. Ant. C. 442.

Do you bluſh now to have a Plebeian Conſul, after our anceſtors have not refuſed to have ſtrangers for their Kings, and have eſteemed and rewarded merit in them, ſince the extinction of the Sovereignty? For ſince then we have received the family of the Claudii amongſt us, and not only conferred the freedom of the city upon them, but admitted them into the Order of Patricians. A ſtranger may become a Patrician, and afterwards Conſul: and ſhall a Roman citizen be excluded the Conſulſhip, ſolely becauſe he is born a Plebeian?

A. R. 310. Ant. C. 442. *Do we believe then, that it is impoſſible for the People to produce a man of merit and courage, qualified for the employments of peace and war, and one reſembling Numa, Tarquin, and Servius, in his attributes? And if one of this character ſhould happen to ariſe, ſhall we never ſuffer the helm of ſtate to be put into his hands? and ſhall we chuſe to have men for Conſuls, like the Decemvirs, the moſt wicked of mortals, and all of them Patricians, rather than perſons that reſemble the beſt of our Kings, whoſe births were not illuſtrious?*

But, perhaps, ſomebody will object, that no Plebeian has been Conſul ſince the expulſion of the Kings. And what is to be inferred from thence? Are we never to think of any new inſtitution? How many have been made ſince the commonwealth ſubſiſted? Who can imagine, in a city which is to endure for ever, and to augment to infinity, but that new offices, prieſthoods, cuſtoms, and laws, will be frequently inſtituted.

The law itſelf which prohibits the intermarriage of the Patricians with the Plebeians, were they not the Decemvirs who paſſed it ſome few years ſince, to the great prejudice of the public, and the diſgrace of the People? Is there any thing in effect more injurious or more contemptuous, than to declare one part of the city unworthy of allying itſelf with the other in marriage, as if it were polluted and profane? Is it not in ſome meaſure to be excluded, and to ſuffer a kind of baniſhment even within the walls of the city, to be incapable of contracting either alliance or affinity in it?

If you are convinced, that to mingle your blood with that of the Plebeians, would be a ſtain to your nobility, why do you not take wiſe but ſecret meaſures to preſerve its pretended purity, by neither chuſing wives yourſelves amongſt us, nor permitting your daughters and ſiſters to marry with any but Patricians?

Patricians? No Plebeian will offer violence to a Patrician virgin: that would be invading the peculiar privilege of the Patricians. Nobody will ever force you to contract ſuch alliances. But to forbid them by a law, and prohibit marriages between the Senators and People, this is what we hold injurious to us. You might paſs the ſame interdiction in reſpect to the rich and poor. Why don't you alſo forbid the Plebeians to live in the neighbourhood of the Patricians, to walk in the ſame ſtreets, to eat at the ſame table, or to be preſent in the Forum, and in the ſame aſſemblies with them? A. R. 310. Ant. C. 442.

But, to be brief, do you believe yourſelves lords and maſters, and that you have a ſupreme authority here? When the Kings were expelled, was it to give you abſolute dominion, or to procure the common and equal liberty of all? Are the People to be ſuffered to paſs a law, if they think it uſeful and neceſſary? or, aſſoon as they propoſe it, have you a right, in order to puniſh them, to decree levies? and aſſoon as I the Tribune begin to call upon the Tribes to give their ſuffrages, ſhall you the Conſul immediately oblige the youth to take the military oath, and march them to the camp, menacing both Tribune and People? I declare, Conſuls, that the People ſhall be ready to take arms againſt the enemy, of whom you tell us, whether real or ſuppoſed, if, in the firſt place, you conſent, that the Patricians and Plebeians ſhall for the future make but one and the ſame People by the ties of marriage and mutual affinity; and in the ſecond place, if the entrance to honours be open to all perſons of merit and valour; in order that the annual magiſtracy, veſting thus indifferently in the two orders of the ſtate, may ſhew, that they are equally called upon to command and obey, in which true liberty conſiſts. But if theſe two laws are

A. R. 310. Ant. C. 442.

oppoſed, talk as long as you will of wars, multiply the forces of the enemy, exaggerate the danger as if already at our door, not a man ſhall enter for the ſervice, not a man ſhall take arms, nor fight for haughty maſters, who diſdain to aſſociate themſelves with us in public by honours, and in private by marriages.

It is eaſy to judge, that this diſcourſe did not convince the Patricians. The ſame reſiſtance ſubſiſted on their ſide, and the ſame warmth on that of the multitude. They had at their head a Tribune of great vigour and conſtancy, incapable of ſuffering himſelf either to be intimidated or diſconcerted by threats, and reſolved to purſue his point to the utmoſt. They were no leſs obſtinately determined than him not to give way; for in this diſpute, the warmeſt and moſt affecting intereſts they had ever conteſted, were in queſtion.

The Senate, in ſo delicate a conjuncture, judging condeſcenſion neceſſary, gave their conſent to the law concerning marriages, in hopes that the Tribunes, contented with carrying that point, would either renounce their demand of Plebeian Conſuls, or at leaſt poſtpone it till after the war; and in the mean time that they would agree to the levies.

Military Tribunes are created in the room of Conſuls.

They were miſtaken. The other Tribunes, ſeeing that the victory which their collegue Canuleius had lately gained over the Patricians, did him great honour, and gave him infinite credit with the People, piqued themſelves on their ſide upon acquiring equal glory, reſolved to carry the ſecond law alſo by dint of application, and ſwore upon their faith, which was the greateſt oath they had amongſt them, not to deſiſt from their reſolution, even though ſome of their body ſhould ſuffer themſelves to be ſwayed by

by the Senate in the affair. The report of the war increaſed every day, and their reſiſtance to the levies in proportion. As the oppoſition of the Tribunes prevented any thing from being concluded in the Senate, the Conſuls held particular aſſemblies in their houſes, to which the principal Senators were invited. Things were now come to ſuch extremities, as made it evident, that they muſt either yield the victory to the enemy, or the People. Valerius and Horatius were the two only perſons of Conſular dignity, who were not preſent at theſe aſſemblies; their too declared zeal for the People having rendered them ſuſpected, if not odious, Claudius's advice armed the hands of the Conſuls againſt the Tribunes. The Senators of greater age and wiſdom, not being able to bear the mention of blood and ſlaughter, nor to conſent to laying violent hands on the Tribunes, whoſe perſons were declared ſacred by the agreement made with the People, inclined to gentler methods. The advice of the latter was followed, and after a long deliberation, wherein various expedients were propoſed for extricating affairs out of their preſent dangerous ſituation, they fell upon one at laſt, to the ſatisfaction of both parties: this was, inſtead of Conſuls, to create three military Tribunes with the ſame authority, to be choſen indifferently out of the Patricians and People. A. R. 310. Ant. C. 442.

An aſſembly for that election was accordingly called; and never had the Plebeians been ſo ardent before in making intereſt. Thoſe who had diſtinguiſhed themſelves moſt either in ſpeaking or acting, ran on all ſides of the Forum, dreſt in the whiteſt robes, to ſollicit voices. On ſeeing them ſo active and eager, the Patricians, who were ſenſible how much the People were diſcontented Candidati.

A. R. 310. Ant. C. 442. diſcontented and enraged, at firſt deſpaired of being able to attain any of the three offices they were going to confer. And in caſe they could have carried any one of them, it had been an infinite mortification to them, to reflect upon their being aſſociated with ſuch perſons as the People were going to chuſe, the declared enemies of the Senate and of the public good. Diſcouraged by all theſe conſiderations, they were determined not to ſtand for that office: but the elder Senators obliged them to offer themſelves, that they might not ſeem to abandon their country entirely, and renounce their part in the government.

The reſult of this aſſembly ſhewed, that there is a great difference between a people in the heat and fury of diſputes affecting their liberty and glory, and when they act in cool blood, and without paſſion, after thoſe diſputes are over. The People, contented that regard had been had to their demand, created none but Patricians Military Tribunes. "Where "ſhall we now find, cries Livy, ſuch moderation, equity, and greatneſs of ſoul, in a private perſon, as were then the character of the "whole People: *Hanc modeſtiam, æquitatem, & altitudinem animi, ubi nunc in uno inveneris, quæ tunc populi univerſi fuit?*

The *three hundred and tenth year from the foundation of Rome, Military Tribunes were elected for the firſt time in the room of Con-

* *Dodwell believes, that the Military Tribunes entered upon office at the end of the year* 310, *but that they did not act, properly ſpeaking, till* 311. *As I follow him entirely in his chronology, I conform here to his manner of reckoning, though it appears to depart a little from that of Livy, who does not diſtinguiſh the year in which the magiſtrates entered upon office, from that wherein they exerciſed it.*

ſuls.

ſuls; and A. Sempronius Atratinus, L. Atilius, and T. Cloelius, were choſen. A. R. 310. Ant.C. 442.

A. SEMPRONIUS. A. R. 311. Ant.C. 441.
L. ATILIUS.
T. CLOELIUS.* * *Livy ſays T. Cæcilius.*

Theſe Military Tribunes abdicated their office three months after they had entered upon it, becauſe ſome eſſential formality had been omitted in their election. They were ſucceeded by Conſuls; which the Tribunes of the People did not oppoſe, becauſe they judged the election of Conſuls leſs diſhonourable to them, than the chuſing Military Tribunes again out of the Patrician order, which would certainly have happened. Liv. l. 4. c. 7. Dionyſ. l. 11. p. 736.

L. PAPIRIUS MUGILANUS.
L. SEMPRONIUS ATRATINUS.

Nothing conſiderable paſſed during their Conſulſhip.

M. GEGANIUS MACERINUS, II. A. R. 312. Ant.C. 440.
T. QUINTIUS CAPITOLINUS, IV.

Under theſe Conſuls a new office was inſtituted, which afterwards became very conſiderable. *Inſtitution of two Cenſors.*

As the ſpirit of conqueſt was the prevailing character of the Roman People, King Servius, to have an aſſured reſource both of men and revenues, had ordained, that a muſter of all the Roman citizens ſhould be made every fifth year, with an exact eſtimate of every individual's eſtate. By this muſter and valuation, the Prince, or magiſtrate, knew almoſt inſtantaneouſly what number of inhabitants capable of bearing arms Rome had, and the amount of their contribution.

The

A. R. 312. Ant. C. 440. Dionyſ. l. 11. p. 737. Liv. l. 4. c. 8.

The Conſuls of the preceding years having been continually employed either in war againſt the neighbouring people, or in oppoſing the enterprizes of the Tribunes, this account of perſons and eſtates had been omitted. As this cuſtom had been interrupted for ſeventeen years, from the Conſulſhip of L. Cornelius and Q. Fabius, only ſuch as had before been muſtered were known, and they were the only perſons that ſerved in the armies, whilſt many of free condition (*libertini*) who had not been regiſtered, changed their abode according to their fancy, and lived in a ſtate of independance.

To obviate this inconvenience for the future, it was judged proper to diſcharge the Conſuls of that care, which obliged them to deſcend to a detail ill-ſuiting the Conſular dignity. The inſtitution of a new magiſtracy for diſcharging this function, of ſmall conſideration till then, was conceived neceſſary. As contemptible as it appeared, the Senate did not refuſe to accept it, whether they were well ſatisfied to increaſe the number of Patrician officers, or foreſaw that this would acquire great extent, and become very important. The Tribunes, on their ſide, conſidering this charge as more neceſſary than honourable, conceived no thoughts of conteſting it with the Senate, nor of demanding, that the Plebeians ſhould be admitted into it, in order to avoid appearing to oppoſe the Patricians improperly in every thing, even to the moſt minute. Papirius and Sempronius were the two firſt perſons elected into this office. Thoſe magiſtrates were called *Cenſors*, becauſe they preſided at the *Cenſus*, the muſter of the People, and the valuation of their fortunes.

Here ends what has come down to us of the hiſtory of Dionyſius Halicarnaſſenſis. We cannot

not regret too much the books that are wanting, which continued the Roman affairs down to the beginning of the firſt Punic war. A. R. 312. Ant. C. 440.

What the Senate had foreſeen in reſpect to the Cenſorſhip, actually came to paſs in proceſs of time. (*a*) This office, ſo ſmall in its beginning, became one of the moſt conſiderable in the ſtate. The curule chair, purple robe, and almoſt all the ſplendor of the Conſulſhip, excepting Lictors, were the leaſt advantages of the Cenſorſhip. The muſter of the citizens, which was at firſt its ſole employment, was ſoon followed by more honourable and important functions. The ſupport of Manners and diſcipline was confided to them, and in conſequence the right of puniſhing the Senators, Knights, and common citizens, by a ſhameful degradation. They were charged with all that related to the maintenance and repairs of the public buildings ſacred and profane, the highways, aqueducts, and other things of the like nature. And laſtly, they had the adminiſtration of the revenues of the commonwealth. They granted the leaſes to the farmers of the taxes, called Publicans, and adjudged all diſputes that aroſe upon that head. As all the functions of the Cenſorſhip are part of the Roman hiſtory, and they will often be mentioned, I thought it neceſſary to give the reader ſome idea of them in this place.

(*a*) Hic annus cenſuræ initium fuit, rei à parva origine ortæ; quæ deinde tanto incremento aucta eſt, ut morum diſciplinæque Romanæ penes eam regimen, Senatus equitumque centuriæ, decoris decoriſque diſcrimen ſub ditione ejus magiſtratus, publicorum privatorumque locorum, vectigalia populi Romani, ſub nutu atque arbitrio eſſent. *Liv. l.* 4. *c.* 8.

Summary

A. R. 312. Ant. C. 440. *Summary deſcription of the functions of the Cenſorſhip.*

The *Cenſus*, or muſter of the People, and valuation of their eſtates, which terminated with a ceremony called *Luſtrum*, for reaſons which ſhall be related in their place, was the principal function of the Cenſors. The *Cenſus* had been eſtabliſhed by Servius Tullius the ſixth King of Rome. That Prince took the *Cenſus* four times during his reign: but nothing is known of any of them beſides the firſt. Tarquin the Proud, the enemy of all good, and of Servius's memory, neglected this uſeful inſtitution. After the expulſion of the Kings, the Conſuls were charged with this care, till the eſtabliſhment of Cenſors. There had been ten *Cenſus*, or *Luſtra*, before the firſt taken by the Cenſors, which was the eleventh. I ſhall give an abridged table of them in this place, which will ſhew the condition and forces of the Roman People to the time of which we are now ſpeaking.

Val. Max. l. 3. c. 4.

	Luſtra.	*Number of the citizens.*	*Years of Rome.*
Liv. l. 44. Dionyſ. l. 5. p. 225.	Iſt Luſtrum by Servius Tullius.	80000 or 84970	
Dionyſ. l. 5. p. 293.	IId Luſtrum.		
Id. p. 338.	IIId Luſtrum.		
Id. l. 6. p. 416.	IVth Luſtrum.		
Id. l. 9. p. 594.	Vth Luſtrum.	130000	246
Liv. l. 3. c. 3.	VIth Luſtrum.	150000	256
Liv. l. 3. c. 24.	VIIth Luſtrum.	110000	261
Dionyſ. l. 11. p. 737.	VIIIth Luſtrum.	103000	280
	IXth Luſtrum.	134214	289
	Xth Luſtrum.	132049	295
	XIth Luſtrum.		312

We

We have related the firſt inſtitution of the Cenſors. Thoſe magiſtrates, as we have ſaid before, were choſen out of the Patricians, and the moſt illuſtrious of that Order. For they did not obtain the Cenſorſhip till after they had been Conſuls. They retained the ſole poſſeſſion of that office, till the 416th year of Rome, when the Dictator Publilius Philo paſſed a Law by which it was ordained that one of the two Cenſors ſhould be elected out of the People. And in the year of Rome 621, they were both choſen out of the Plebeians. From thenceforth, they were nominated indifferently out of both Orders. A. R. 311. Ant. C. 440. Liv. l. 6. c. 8. Epitome 59.

The duration of this office, at its firſt inſtitution, was five years, at the end of which the *Cenſus* was taken. Before ten years were elapſed, the Dictator Mamercus Æmilius reduced it to eighteen months. Thus, regularly, Rome was without Cenſors three years and an half: for the Luſtrum was not performed till the end of the fifth year. But this order was often interrupted, either by wars abroad, or domeſtic diviſions and other particular reaſons. Sometimes five years expired without any Cenſors being created. On other occaſions Cenſors were created more than once during the ſpace of a Luſtrum, if thoſe who had been firſt choſen had not been able to compleat the *Cenſus*. A. R. 321. Liv. l. 4. c. 24.

Rome was ſuperſtitious to exceſs. As the city had been taken by the Gauls in the year that M. Cornelius had been ſubſtituted in the room of one of the Cenſors who had died in that office, it was ordained that in the like caſe no ſucceſſor ſhould be appointed in the room of one defunct, and that his collegue ſhould diveſt himſelf of his charge. Liv. l. 5. c. 31. & l. 9. c. 34.

The

A. R. 312. Ant. C. 440. Dionyſ. l. 4. p. 221.

The *Cenſus* was taken in the (1) Forum. All the citizens capable of bearing arms, that is to ſay, of ſeventeen years of age and upwards, cauſed their names, ages, incomes, places of abode, with the names and ages of their fathers and mothers, wives, children, freedmen, and ſlaves, to be inſerted in the public regiſters. They took an oath not to depart from truth in declaring their fortunes; and nobody was ever known to have perjured himſelf on this occaſion. Heavy penalties were laid upon ſuch as omitted to regiſter themſelves, as confiſcation of their eſtates, and loſs of liberty; which was long practiſed in the Commonwealth. Thoſe who were abſent gave in their names and eſtates by proxy.

The Cenſors had power to fix the value of the eſtates of individuals, and in conſequence to impoſe a greater or leſs tax upon them, becauſe it was by the eſtimates taken by the Cenſors that the payment of taxes was regulated.

In the early times every one regiſter'd himſelf in his Claſs and Century: and afterwards in his Tribe, when the thirty-five Tribes were formed.

When Rome had extended her conqueſts, and founded many colonies, or given the freedom of the city to many of her neighbours, the functions of the Cenſors had more extent. Officers, who were alſo called Cenſors in thoſe colonies and municipal cities, gave the Cenſors of Rome an account of the condition of thoſe cities, of the number of their inhabitants, and

(1) *It was taken anciently in the* Forum; *but afterwards in the* Villa publica, *the houſe for the reception and entertainment of ambaſſadors in the Campus Martius.*

of

of their riches; and their reports were regiſter'd in the books of the Cenſors. A. R. 312. Ant. C. 440.

At Rome the *Cenſus* began by the Senators and Patricians, went on to the Knights, and concluded with the People.

One of the two Cenſors, to whom that function fell by lot, prepared the liſt of the Senators, and read it publickly with a loud voice. It was a great honour to be named the firſt, and to be placed at the head of all the reſt: the perſon diſtinguiſhed in this manner was called *Princeps Senatûs*, *Principal Senator*. He preſided in the aſſemblies of the Senate. This dignity was not for life, and probably was conferred every new Cenſorſhip. It might either be continued, or granted at different times. Scipio Africanus the elder was nominated Prince of the Senate three times, and the Great Pontiff M. Æmilius Lepidus ſix. It was the uſual cuſtom to nominate the ſenior Cenſor living *Prince of the Senate*. The Cenſor P. Sempronius Tuditanus was the firſt that changed this cuſtom, in nominating Q. Fabius Maximus, notwithſtanding his collegue's oppoſition, who was for conferring that honour upon T. Manlius Torquatus, becauſe he had been Cenſor before Fabius. And the laudable cuſtom afterwards took place, of having more regard to merit, than ſeniority, in this choice. Liv. l. 27 c. 11. A. R. 543. Ant. C. 209.

The Cenſor, after having declared *the Prince of the Senate* in this manner, named the reſt of the Senators in their order.

They then proceeded to the Muſter of the Knights, of whom the firſt-named was called *Princeps Equitum*: but that diſtinction was little regarded. All the Knights paſſed in review before the Cenſors, leading their horſes by the bridle, and dreſſed in the robe called *Trabea*.

A. R. 312. Ant. C. 440. And laſtly the names of the People were called over, each in his Claſs, or Tribe.

It was in this ceremony that the Cenſors publickly inflicted puniſhments upon ſuch of the citizens as had given any conſiderable cauſe of complaint in reſpect to their manners and conduct.

As to the Senators, it ſufficed to omit their names in reading over the Liſt: from whenceforth they were deemed fallen from the dignity of Senator.

The Knights were puniſhed by having the horſe, with which they were ſupplied by the public, and which was the mark of the Equeſtrian dignity, and the ring, that afterwards became ſo, taken from them.

The Plebeians were removed from a more honourable Tribe into another leſs conſiderable, as either from one of the Ruſtic Tribes into another of the ſame kind, but inferior; or into one of the four Tribes of the city which were in great contempt: and this is what was called *Tribu moveri.* This was the firſt and moſt gentle degree of puniſhment. The ſecond was to be deprived of the right of ſuffrage: *in Cæritum tabulas referri.* The inhabitants of Cære, for having given refuge to the Prieſts and ſacred things, when the Gauls were upon the point of entering Rome, had been rewarded with the freedom of the city, but without the privilege of voting. By this ſecond degree of puniſhment, the Roman citizens were reduced to the condition of the Cærites. The third and laſt deprived them, not only of the right of ſuffrage, but of carrying arms and ſerving in the field, and left them no mark of a citizen, except the neceſſity of paying their ſhare of the taxes: which was called *ærarium fieri.*

Strab. l. 5. p. 220. Aul. Gell. l. 16. c. 13.

The

The Senators and Knights were ſometimes condemned to ſuffer theſe three kinds of puniſhment. A. R. 312. Ant. C. 440.

As prejudice might take place in the Cenſors judgments, the (*a*) Laws had wiſely provided different remedies againſt the abuſe of an exceſſive authority, the unjuſt rigours of which ſometimes required to be checked. The degraded citizens might be reinſtated by his colleague, or the ſucceeding Cenſors, either by juſtifying themſelves before the Senate or People.

Hiſtory ſupplies us with a multitude of theſe kinds of puniſhments legally inflicted, of which I ſhall repeat ſome of the moſt remarkable in this place.

The Cenſors Scipio Naſica & M. Popilius, in reviewing the Knights, perceived an horſe poor and in a bad condition, whoſe maſter was fat, and of a ſurprizingly florid complexion. *How comes it to paſs*, ſaid they to him, *that there is ſo great a difference between you and your horſe? It is*, replied the Knight, *becauſe I take care of me, and my ſervant of my horſe.* The anſwer was thought too bold, and was really ſo. His negligence, joined with his want of reſpect, was puniſhed by an entire degradation, which left him no other right of a citizen, but that of paying taxes; *in ærarios relatus eſt.* Aul. Gell. l. 4. c. 20.

Cato, ſurnamed the Cenſor from his ſeverity in the exerciſe of that office, expelled L. Quintius Flamininus from the Senate, for having cauſed a criminal to be executed at an entertainment whilſt Conſul, to give a curtezan the inhuman pleaſure of ſeeing a man die. According to Livy, the fact was far more horrid. Cic. de Senect. n. 42. Liv. l. 39. c. 42, 43.

(*a*) Cenſorii ſtyli mucronem multis remediis majores noſtri retuderunt. *Cic. pro Cluent.* n. 123.

A. R. 312. Ant. C. 440. Liv. l. 27. c. 11.

In the Cenſorſhip, of which we have ſpoke above, wherein Fabius was nominated *Prince of the Senate*, the names of eight Senators were omitted, of which number was L. Cæcilius Metellus, who had propoſed the infamous and criminal advice of abandoning Italy after the unfortunate battle of Cannæ.

Val. Max. l. 2. c. 9.

The Cenſor Fabricius Luſcinus left Cornelius Rufinus, who had been twice Conſul and once Dictator, out of the liſt of the Senators, for having ten pounds of ſilver plate; perſuaded, that ſuch an example might be fatal to the State, by introducing luxury into it. (*a*) Happy age, ſaid Cato of Utica, in which a little ſilver plate was conſidered as a dangerous luxury, that merited the correction of the Cenſor!

Other Cenſors excluded Duronius from the Senate, becauſe, whilſt he was Tribune of the People, he had oppoſed a law that preſcribed very narrow limits to the expences of the table. The Hiſtorian, to ſhew all the injuſtice and unworthineſs of the Tribune's conduct, (*b*) makes him mount the Tribunal for harangues, and puts this diſcourſe into his mouth. *Romans, a curb is given to your deſires, an inſupportable yoke is impoſed upon you. There is a Law propoſed, for obliging you to live with frugality. But the gods forbid that we ſhould ſubmit to it. I therefore prohibit an ordinance, that ſavours of the ruſt and*

(*a*) Laudabat Cato ſeculum illud in quo cenſorium crimen erat paucæ argenti lamellæ. *Senec. de vit. beat.* c. 21.

(*b*) Quam impudenter Duronius Roſtra conſcendit, illa dicturus! Fræni ſunt injecti, Quirites, nullo modo perpetiendi: alligati & conſtricti eſtis amaro vinculo ſervitutis. Lex enim lata eſt, quæ vos eſſe frugi jubet. Abrogamus igitur iſtud horridæ vetuſtatis rubigine obſitum imperium. Etenim quid opus libertate, ſi volentibus luxu perire non licet? *Val. Max.* l. 2. c. 9.

groſſ-

groſſneſs of ancient times. For what ſignifies liberty, if we are not permitted to ruin ourſelves by luxury if we think fit? Such diſcourſe would appear ridiculous and ſenſeleſs: is the reality leſs ſo? Yet they muſt think in this manner who authorize luxury. A. R. 312. Ant. C. 440.

This neceſſity of appearing at certain times before the tribunal of the Cenſors, to give an account of their conduct, impoſed univerſally on all the citizens, and from which neither birth, ſervices rendered the ſtate, nor the moſt important offices previouſly exerciſed, as thoſe of Conſul and Dictator, exempted any one, muſt have been a powerful check upon licentiouſneſs and diſorder. So ſalutary a dread was the ſupport of the Laws, the tie of concord, and in a manner the guardian of decency, modeſty, juſtice, and integrity of manners in general. *Effects and advantages of the Cenſorſhip.*

There are, ſays a modern author, bad examples, which are more pernicious even than crimes, and more States have been ruined by corrupting their manners, than violating their laws. At Rome, whatever might introduce dangerous innovations, change the ſentiments or inclinations of the good citizen, and prevent, if I may uſe the expreſſion, their perpetuity; in a word, all diſorders of a public or private nature, were reformed by the Cenſors. This reflection ſeemed very ſolid to me. *The author of Conſiderations upon the cauſes of the greatneſs and declenſion of the Romans.*

If luxury and avarice, the uſual cauſes of the ruin of States, were introduced ſo late at Rome; if poverty, frugality, ſimplicity, and moderation in the table, buildings, furniture and equipage, were ſo long in honour there, I doubt not but ſo extraordinary a felicity ought principally to be aſcribed to the inexorable ſeverity of certain Cenſors, rigidly attached to the ancient

A. R. 312. Ant. C. 440. manners of their country, from which they well knew how important it was not to depart. When we ſee a Roman, who has paſſed through all the great offices of the State, degraded from his dignity of Senator for having a little more ſilver plate than others, we are naturally inclined to tax ſuch a ſentence with exceſſive and extravagant rigour. But we ſhould remember that the Cenſor, who paſſed this ſentence, was the celebrated Fabricius. Thoſe great men, who were totally devoted to the good of the public, and by a wiſe foreſight extended their views to remote ages, believed it their duty by exemplary puniſhments to put a ſtop to the abuſes which they ſaw riſe up in their own times, and of which they foreſaw all the pernicious and fatal effects. They knew, that theſe abuſes, which it is eaſy to reform in their birth, but which, by the negligence of magiſtrates and long impunity, ſoon become too ſtrong for all laws, draw in and infect a whole nation with incredible rapidity. Now when things are gone ſo far, and (*a*) what were before vices and diſorders, are become the manners of a State, it is in vain to hope for remedies; for none there are.

When (*b*) Cicero accuſed Verres, the Judges were ſo univerſally infamous at Rome for their avarice and other vices, that the People themſelves, whatſoever averſion they had always expreſſed for the Cenſorſhip, ardently deſired that office, which had been laid aſide for ſome

(*a*) Deſinit eſſe remedio locus, ubi, quæ fuerant vitia, mores ſunt. *Senec. Epiſt.* 39.

(*b*) Judicum culpa atque dedecore, etiam Cenſorium nomen, quod aſperius antea populo videri ſolebat, id nunc poſcitur; id jam populare atque plauſibile factum eſt. *Cic. in Verr.* n. 8.

time,

time, might be re-eſtabliſhed, believing it the only remedy that could be found for the diſorders which prevailed in the adminiſtration of juſtice. And it was actually re-inſtated the ſame year by the Conſuls Pompey and Craſſus. A. R. 312. Ant. C. 440.

The auſterity of the Cenſorſhip produced at Rome the ſame effect in reſpect to manners, as the ſeverity of the military diſcipline did in the armies in reſpect to ſupporting ſubordination and obedience. And theſe were the two principal cauſes of the Roman greatneſs and power. (*a*) And indeed, of what uſe is courage abroad, if depravity and corruption reign at home? Whatever victories are gained, whatever provinces are ſubjected, if purity of manners do not prevail in the different orders of a ſtate, if the adminiſtration of juſtice, and the power of the government, be not founded upon invariable equity and a ſincere love of the public good, however powerful an empire may be, it cannot ſubſiſt long. It is a Pagan that talks thus upon occaſion of the great advantages conſequential of the Cenſorſhip at Rome. We have often (*b*) obſerved, that the ſanctity of oaths was no where ſo much reſpected as at Rome. This was, as Cicero remarks, becauſe no crimes were ſo ſeverely puniſhed by the Cenſors, as breach of faith and contempt of oaths.

(*a*) Quid enim prodeſt foris eſſe ſtrenuum, ſi domo male vivitur? Expugnentur urbes, corripiantur gentes, regnis injiciantur manus, niſi foro & curiæ officium ac verecundia ſua conſtiterit, partarum rerum æquatus cœlo cumulus ſedem ſtabilem non habebit. *Val. Max. l.* 2 *c.* 9.

(*b*) Nullum vinculum ad aſtringendam fidem jurejurando arctius majores eſſe voluerunt.—Id indicant notationes animadverſioneſque Cenſorum, qui nulla de re diligentiùs, quam de jurejurando, judicabant. *Offic. l.* 3. *c.* 111.

A. R. 312. Ant. C. 440. The *Cenſus* concluded with a religious ceremony in the field of Mars. The whole People were preſent at it. A ſow, a ſheep or ram, and a bull, were offered as a ſacrifice, which from thence was called *Suovetaurilia*, and according to others, *Solitaurilia*. This cloſing of the *Cenſus* was called *Luſtrum*, and the expreſſion *Luſtrum condere* occurs frequently in authors. Varro derives this word from *luo*, which ſignifies *to pay*; becauſe the tax which had been impoſed by the Cenſors, whoſe office continued five years at their firſt inſtitution, was paid at the beginning of every fifth year. From whence the word *luſtrum* in Latin ſignifies the ſpace of five years.

I have dwelt a little on what relates to the *Cenſus*, becauſe it will be often mentioned in our hiſtory, and was the principal function of the Cenſors, and ſhall touch ſlightly upon the reſt.

They had the care of cauſing the temples, high-ways, bridges, aqueducts, and all public buildings, to be erected and kept in good condition; and to ſee that neceſſary and timely repairs were made, which was called, *Sarta tecta exigere, ſarta tecta tueri*. We find that in the 583d year of Rome, the Senate made the Quæſtors pay half the taxes of the year into the hands of the Cenſors, to be employed in different public buildings. The *Baſilica*, which Sempronius cauſed to be erected at that time, was called *Sempronia* from his name, as that of Cato was before, *Porcia*. The public buildings, and great halls with porticos, where the Senate aſſembled, juſtice was adminiſtered, the Civilians anſwered conſultations, and the merchants and bankers tranſacted their affairs, were called *Baſilicæ*.

Liv. l. 44. c. 16.

Id. l. 39. c. 44.

One

One important function alſo of the Cenſors was to conſign the public revenues to tax-farmers, called for that reaſon *Publicani*. Theſe (*a*) farms could not be conſigned, but in the preſence of the Roman People. It appears that when the leaſes were let by them at too high a rate, the farmers had recourſe to the Senate, who ſometimes ordered them to be put up again; which happened in Cato's Cenſorſhip, when the farms were let at a rate ſomething lower. A. R. 312. Ant. C. 440.

In Livy we find, that the keeping of the public records was confided to them, and that they preſided over the Regiſters, and examined, whether they diſcharged their duty with exactneſs and fidelity.

They had alſo a peculiar attention and juriſdiction over marriages. Certain Cenſors laid a conſiderable fine upon a citizen, who had continued unmarried to old-age: and others expelled a Senator for having repudiated his wife without conſulting his friends. Val. Max. l. 11. c. 9.

What I have hitherto related concerning the Cenſorſhip, ſhews of what importance that office was, upon which depended the good order, regulation, diſcipline, conſervation of the manners, and adminiſtration of the revenues of the commonwealth. It is time to reſume the thread of our hiſtory. We digreſſed at the Conſulſhip of Geganius Macerinus and T. Quintius Capitolinus.

(*a*) Cenſoribus vectigalia locare niſi in conſpectu populi Romani non licet. 1 *in Rull. l.* 7.

M. GEGA-

A. R. 312. Ant. C. 440.

M. GEGANIUS MACERINUS, II.
T. QUINTIUS CAPITOLINUS, V.

The Senate ſends immediate aid to the Ardeates againſt the Volſci. Liv. l. 4. c. 9, 10.

Under theſe Conſuls, the Ardeates, who had made their peace the year before with the Roman people, came to implore their aid in a very preſſing emergency. A violent ſedition had roſe up in their city between the Nobility and People. Things had been carried to the laſt extremities. The populace, who did not reſemble thoſe of Rome, having ſeized an eminence, ravaged the lands of the nobility from thence with fire and ſword, and afterwards returned to Ardea, which they treated like an enemy's city. The two parties, who were too weak of themſelves, had each recourſe to ſtrangers. The people applied to the Volſci, who came to their aid without loſs of time. It was at this conjuncture, that the deputies from the Nobility arrived at Rome. The Conſul Geganius was ordered to ſet out immediately, and ſoon advanced with his army near the enemy, who beſieged the city. The next day the Conſul, having divided the work very early in the morning amongſt his troops, ſurrounded the whole camp of the Volſci with a good intrenchment, who ſeeing themſelves beſieged, and ſhut up ſo cloſe, in ſome days, for want of every thing, demanded to capitulate. The Conſul gave them to underſtand, that they muſt expect no quarter, except they delivered up their general, and ſurrendered at diſcretion. In their deſpair they attempted a ſally, which coſt them dear, abundance of them periſhing in it. They found it their neceſſity to ſurrender. After they had delivered up their general, and laid down their arms, they were all obliged to paſs under the yoke, and diſmiſſed each only

with one habit, and covered with ſhame and ignominy. In paſſing near Tuſculum, the inhabitants of that city, who had long been their declared enemies, put them all to the ſword, ſo that ſcarce any were left to carry home the ſad news of their defeat. The Conſul afterwards entered Ardea, which received him as its deliverer and father. He cauſed the heads of the principal authors of the ſedition to be cut off, confiſcated their eſtates for the benefit of the public treaſury, and in that manner re-eſtabliſhed peace and tranquillity between the citizens. Ardea, by ſo important a ſervice, thought an ample amends made it for the ſentence which had been paſſed againſt it. But the Senate believed there ſtill remained ſomething to do, in order to aboliſh the remembrance of the ſhameful avidity which had ſo much diſhonoured the Roman People. We ſhall ſoon ſee in what manner they acted. The Conſul entered Rome in triumph. Cluilius, the general of the Volſci, was led in chains before his chariot, with the rich ſpoils which he had taken from the enemy. A. R. 312. Ant. C. 440.

Quintius, the other Conſul, equalled by the virtues of peace the glory his collegue had acquired by his military exploits. He applied himſelf in ſuch a manner to preſerve the peace and union of the city, and acted with ſuch perfect impartiality between great and ſmall, that by a wiſe mixture of ſteadineſs and lenity, his adminiſtration was equally grateful to the Senate and People. He kept the Tribunes effectually within bounds, not by fierce and violent diſputes, or an air of haughtineſs and authority, but by I know not what kind of aſcendant, that his univerſally known merit gave him. For five

A. R. 312. Ant. C. 440. (a) five Conſulſhips, through which he had paſſed with the ſame undeviating probity and wiſdom, or, to ſpeak more properly, the truly Conſular dignity of his whole life, rendered his perſon almoſt more awful and venerable than his office. In conſequence, the Tribunes did not preſume to ſpeak of electing Military Tribunes, and Conſuls were created again.

A. R. 313. Ant. C. 439.

M. FABIUS VIBULANUS.
POSTUMUS ÆBUTIUS CORNICEN.

Amends made for the injuſtice done the Ardeates.

In this Conſulſhip, the Senate made the Ardeates entire amends for the injuſtice done them. Under pretext that their city was reduced to a ſmall number of inhabitants, they decreed that a colony ſhould be ſent thither to ſerve as a garriſon againſt the Volſci. The decree was conceived in thoſe terms, in order that the Tribunes and the People might not perceive that the deſign of it was to cancel their judgment. But the Senators had agreed, that the colony ſhould conſiſt of a much greater number of the * Rutuli than of the Romans; that no other lands ſhould be aſſigned it, but thoſe of which the infamous judgment had deprived the Ardeates: and that none of the Romans ſhould have the leaſt part of thoſe lands, till all the Rutuli had their proportion of them. In this manner that territory devolved again to the Ardeates. The Triumviri appointed for ſettling this colony had no other means to avoid the unjuſt vengeance of the People, whoſe Tribunes had already aſſigned them a day for appearing at

(a) Quinque Conſulatus eodem tenore geſti, vitaque omnis conſulariter acta, verendum penè ipſum magis, quam honorem, faciebant. *Liv.*

* *The Rutuli inhabited the city of Ardea.*

their tribunal, but in cauſing themſelves to be enrolled in this colony, and reſiding with it. A. R. 313. Ant. C. 439.

C. Furius Pacilus.
M. Papirius Crassus. A. R. 314. Ant. C. 438.

This year paſſed in tranquillity. The games which the Senate had vowed during the Seceſſion of the People were now celebrated.

P. Geganius Macerinus.
L. Menenius Lanatus. A. R. 315. Ant. C. 437.

Rome, under theſe Conſuls, had various evils and dangers to experience. Fortunately for her no war abroad happened, or ſhe would have found it exceedingly difficult to ſupport herſelf.

Great famine at Rome.

The firſt of theſe calamities was a famine; whether in effect of a bad harveſt, or that the inhabitants of the country had neglected the cultivation of the lands through their fondneſs for the aſſemblies, and the pleaſures of the city; for both theſe reaſons are given. The dearth was exceſſive. To remedy that evil, by the conſent of the Senate, the People choſe L. Minucius Prefect, or ſuperintendant of proviſions. He found himſelf extremely embarraſſed in the exerciſe of this new Office, or rather Commiſſion. The neighbouring ſtates and cities, to whom he had ſent perſons to purchaſe corn, were of no ſervice to him; except only Etruria, from whence he got ſome, but very little. This reduced him to diſpenſe, according to the different neceſſities of the People, the little corn that was left in the city, by obliging particulars to declare exactly what quantity they had, and to ſell what was more than neceſſary to themſelves for one month. Part of what was allowed ſlaves daily, was retrenched. The venders of corn were ſuſpected of concealing it, and in conſequence

A. R. 315. Ant. C. 437. conſequence expoſed to the hatred and anger of the People. However, all enquiries ſerved rather to evidence than leſſen the ſcarcity. Many of the populace, finding themſelves without hope or reſource, to avoid ſuffering any longer the miſeries of ſo cruel a famine, drowned themſelves in the Tiber.

This firſt calamity gave birth to a ſecond danger of a different kind that threatened the public liberty.

Mælius conceives the deſign of making himſelf King.

Sp. Mælius, of the Equeſtrian order, who was very rich for thoſe times, and ſtill more ambitious, conceived thoughts of taking advantage of the preſent misfortune, and flattered himſelf that the People, in ſo general a calamity, would ſell their liberty cheap. Having bought up a great quantity of corn at his own expence in Etruria, by the aſſiſtance of his friends there and his clients, (which probably prevented Minucius from getting much in that province) he diſtributed it amongſt the People. By this liberality he became the darling of the populace, who attended him every where in the city, made him a train much above the condition of a private perſon, and promiſed him beforehand the Conſulſhip. But as ambition is inſatiable, and cannot be contented with what it ſeems aſſured of poſſeſſing, he carried his views farther, without examining whether they were juſt or no. He rightly perceived, that he ſhould neceſſarily experience a rough conflict with the Senators to carry the Conſulſhip againſt their conſent, and that it could only be effected ſword in hand. He conceived in conſequence, that to attain the ſovereignty would not coſt him more trouble, and from that moment levelled all his endeavours that way; conſidering the throne

throne as the only reward, that merited the pains and dangers he had to undergo. A. R. 315. Ant. C. 437.

The day of the aſſembly for the election of Conſuls approaching, as he had not ſufficient time for concerting all his meaſures, his deſign was not ripe for execution. The election was made with tranquillity, and according to the views of the Senate.

T. QUINTIUS CAPITOLINUS, VI. AGRIPPA MENENIUS LANATUS.

A. R. 316. Ant. C. 436.

Quintius was a very improper Conſul for any perſon that conceived deſigns of innovating in the State.

L. Minucius was continued in the office of *Præfectus annonæ*, or ſuperintendant of proviſions. By the duty of his office he did the ſame in public, that Mælius took upon himſelf to do in private; which occaſioned the ſame kind of people to frequent the houſes of both. By their means he knew what paſſed at Mælius's, and immediately informed the Senate of it. He told them, "he had diſcovered that arms "were carried into his houſe; that he held aſ- "ſemblies and made harangues there; and that "he was moſt certainly taking meaſures to "make himſelf King. That the time for the "execution of his deſign was not yet fixed; "but that every thing previous to it was con- "cluded. That the Tribunes, corrupted by "money, had divided amongſt them the dif- "ferent meaſures neceſſary to be taken for its "ſucceſs. That he gave this information al- "moſt later than the ſafety of the public re- "quired; but that he was willing to be aſſured "of the fact by certain proofs, and not to re- "ly upon looſe and doubtful reports.

Upon

A. R. 316. Ant. C. 436. Upon this advice the principal Senators reproached the Conſuls, both of the preceding and preſent years, extremely, for having had ſo little vigilance, as not to have diſcovered a conſpiracy of that importance, which had already been carried on for a conſiderable length of time. Quintius, after having made an apology for the Conſuls, and repreſented, that inſtead of loſing time in uſeleſs and perhaps unjuſt complaints, it was neceſſary to apply immediately to the remedy, added, that it was his advice, that a Dictator ſhould be immediately appointed, whoſe ſupreme authority might ſtifle the evil in its birth, and even before it had time to break out. His opinion was generally approved. Every body caſt their eyes upon L. Quintius Cincinnatus, who long refuſed to accept an office, of which he believed his great age made him incapable. But he was at length obliged to comply with the warm remonſtrances and earneſt entreaties of the whole Senate. After having implored the gods not to ſuffer his age to be of prejudice to the Commonwealth in ſo eminent a danger, he conſented to be nominated Dictator, and immediately appointed C. Servilius Ahala maſter of the horſe.

The next day Cincinnatus, who well perceived that the only means for cruſhing ſo dangerous a conſpiracy, was to exert his authority, appeared on a ſudden in the Forum, and aſcended the Tribunal with his Lictors before him carrying the rods and axes, and with all the enſigns of the ſovereign authority. The People, ſurprized and terrified at ſo ſudden an appearance, could not comprehend the cauſe of it: but Mælius, aud his accomplices, ſoon judged that themſelves were aimed at. Such as were ignorant of his deſigns, asked each other,

other, what eminent danger had made it neceſſary to nominate a Dictator in time of peace, and to put Quintius at upwards of fourſcore into that office. The Dictator preſently ſent Servilius, his maſter of the horſe, to order Mælius to appear before him. Mælius ſurprized, and uncertain how to act, deferred obeying, and endeavoured to eſcape. Servilius ordered a Lictor to ſeize him; and upon that officer's executing the maſter of the horſe's orders, Mælius implored the aid of the Roman People, complaining that he was to be ſacrificed by the intrigues of the Senate for the good he had done the People. He conjured his fellow-citizens to aſſiſt him in his preſent extreme danger, and not to ſuffer him to be butchered before their eyes, and in their preſence. The people grew tumultuous: his partiſans encouraged each other, and took him by force from the Lictor. Mælius threw himſelf into the crowd to avoid the purſuit of Servilius: but the latter followed him cloſe, overtook him, ran his ſword through his body, and covered with his blood, returned to give the Dictator an account of what he had done. *You have done well, Servilius*, ſaid the Dictator: *continue to defend your country with the ſame courage as you have now delivered it.* A. R. 316. Ant. C. 436.

The populace not knowing how to think of what they ſaw, and being in a great commotion, the Dictator called an aſſembly, and began by declaring, "That Mælius had been "killed juſtly, and as he deſerved, even though "he were not guilty of the crime laid to his "charge, for having diſobeyed the Dictator's "ſummons ſignified to him by the maſter of "the horſe. That he had taken his place on "the tribunal, in order to enquire into the af-"fair; after which he ſhould have done Mæ-

A. R. 316. Ant. C. 436. " lius the juſtice he deſerved. That as he had " recourſe to violence, to avoid appearing to " take his trial, violence had been uſed to cor- " rect his rebellion. That it was highly wrong " to conſider a man as a citizen, who had con- " ceived the impious deſign of making him- " ſelf King; who had been born amongſt a " free people, in the midſt of their ſacred laws " and ordinances, and in a city from whence " Kings had been expelled: a man, who knew " that in the very year of their expulſion, the " King's nephews, and the ſons of the Conſul " who had delivered his country, had been put " to death, the latter by the hands, or at leaſt " by the orders, of their own father, for hav- " ing conſpired to receive the Kings into Rome; " that in the ſame city the Conſul Collatinus " Tarquinius, in hatred only of his name, had " been obliged to abdicate the Conſulſhip, and " baniſh himſelf from his country; that ſome " years after, Sp. Caſſius had been put to death, " for intending to make himſelf King; and " that, very recently, the tyrannical haughti- " neſs, with which the Decemvirs exerciſed " their power, had been puniſhed with confiſ- " cation of their eſtates, baniſhment, and even " death: that, notwithſtanding ſuch examples, " Mælius had undertaken to make himſelf " King, and to aſcend the throne. And what " man was Mælius, to conceive ſuch hopes! " Neither his nobility, dignities, nor ſervices " could open him a way to the tyranny: " whereas Claudius, Caſſius, and the reſt, had " aſpired at ſo criminal an elevation, ſuſtained " by their Conſulſhips, Decemvirates, the ho- " nours of their anceſtors, and the ſplendor of " their families. But as to Mælius, who might

" rather

" rather (*a*) have deſired than expected to obtain the Tribuneſhip of the People, and " whoſe whole merit was the poſſeſſion of a " great quantity of corn; who could imagine, " that ſuch an one could flatter himſelf with " having purchaſed the liberty of his country " for a few pounds of grain; and with having " made a people, victorious over all their " neighbours, accept of ſlavery for a morſel " of bread: that Rome, which could ſcarce " have ſuffered him in the rank of a Senator, " would accept him for her King, and calmly " ſee him inveſted with all the marks of ho- " nour and authority of Romulus her founder, " deſcended from, and admitted into the num- " ber of, the gods? That ſuch a deſign ought " not to be conſidered more as a crime, than " as a prodigy. That it did not ſuffice to have " expiated it by the blood of the criminal, if " the houſe, where ſo frantic and ſo vile an en- " terprize had been formed, was not levelled " to the ground, and the poſſeſſions, polluted " by the iniquitous uſe he intended to make of " them for purchaſing the tyranny, confiſcated. " That therefore he decreed, that thoſe poſ- " ſeſſions ſhould be ſold by the Quæſtors, and " the money brought into the public treaſury."

A. R. 316. Ant. C. 436.

That wiſe magiſtrate ſeeing, as the leader of the conſpiracy was dead, that there was nothing farther to fear, did not judge it proper to

(*a*) Sp. Mælium, cui Tribunatus plebis magis optandus quam ſperandus fuerat, frumentarium divitem, bilibris farris ſperaſſe libertatem ſe civium ſuorum emiſſe, ciboque objiciendo ratum victorem finitimorum omnium populum in ſervitutem perlici poſſe: ut, quem ſenatorem concoquere civitas vix poſſet, regem ferret, Romuli conditoris, ab diis orti, recepti ad deos, inſignia atque imperium habentem. Non pro ſcelere id magis quam pro monſtro habendum. *Liv.*

A. R. 316. Ant. C. 436. enquire into his adherents, leſt the number of the criminals ſhould be too great, and his too ſevere endeavours to puniſh all the conſpirators ſhould make the conſpiracy break out.

The houſe of Mælius was demoliſhed immediately. The place where it ſtood was called *Æquimelium*, that is to ſay, *Demoliſhed houſe of Mælius*, in order that the name might ſubſiſt as a monument both of the crime and its puniſhment. An ox with gilt horns was given, and a ſtatue erected, to Minucius; which the People did not oppoſe, becauſe, to give them no room to regret Mælius, he directed all the corn found in his houſe to be diſtributed amongſt them at a very low rate.

Beſides Mælius's having rendered himſelf guilty and worthy of death by refuſing to obey the Dictator, the (*a*) Laws themſelves, from the time he had conceived the criminal deſign of uſurping tyrannical power, armed the hands of all the citizens againſt him. A Tyrant was conſidered at Rome as a monſter, that cannot be lopped of too ſoon from the body of human ſociety, in the ſame manner as people haſten to cut off without mercy a rotten member, capable of deſtroying all the reſt. The Romans never forgot the oath taken in the name of the whole People after the expulſion of the Tarquins, to exterminate whomſoever ſhould form the deſign of making himſelf King.

(*a*) Nulla nobis ſocietas cum tyrannis, ſed potius ſumma diſtractio.—Hoc omne genus peſtiferum atque impium ex hominum communitate exterminandum eſt. Etenim, ut membra quædam amputantur, ſi & ipſa ſanguine & tanquam ſpiritu carere cœperunt; ſic iſta in figura hominis feritas & immanitas belluæ à communi tanquam humanitate corporis ſegreganda eſt. *Offic.* l. 3. n. 32.

Three

Three of the Tribunes of the People, highly diſcontented with what had lately paſſed, exclaimed violently againſt Minucius, and eſpecially againſt Servilius the Maſter of the horſe, who without any form of juſtice, and even without his Superior's order, had killed a citizen in the boſom of his country. They loudly threatened to bring him to a trial, as ſoon as the Dictator quitted his office, and excited a great tumult amongſt the populace. All that they could obtain was, that Military Tribunes ſhould be choſen inſtead of Conſuls, in hopes that of ſix places, for ſo many Military Tribunes might be created, ſome might fall to their ſhare. The People elected only three, all Patricians, of which number was L. Quintius, the ſon of Cincinnatus, whoſe Dictatorſhip the Tribunes endeavoured to render odious to them. A. R. 316. Ant. C. 436.

SECT. III.

Roman ambaſſadors killed by the order of Tolumnius King of the Veientes. That King is killed in battle by Coſſus, who takes the ſecond Royal Spoils, called Spolia opima. *The duration of the Cenſorſhip is reduced to eighteen months. Singular Law in reſpect to Candidates. The Conſuls are obliged to nominate a Dictator. They chuſe Poſtumius Tubertus, who gains a great victory over the Æqui and Volſci. Mamercus Æmilius is nominated Dictator. He alſo gains a great victory over the Veientes and Fidenates. The Tribunes of the People complain becauſe the Plebeians are excluded offices. Sempronius's unfortunate campaign againſt the Volſci. Great action of Tempanius, which ſaves the army. Tempanius's wiſe anſwer to the Tribunes of the People. He is made Tribune of the People.*

A. R. 317. Ant. C. 435.

MAMERCUS ÆMILIUS.
L. QUINTIUS.
L. JULIUS.

Roman ambaſſadors killed by order of Tolumnius King of the Veientes. Liv. l. 4. c. 17, 20.

THE city of Fidenæ, which was a Roman colony, went over this year to the Veientes, of whom Lars Tolumnius was then King. To the crime of revolt they added one of a much blacker dye, in killing by order of Tolumnius the Roman ambaſſadors, ſent to complain of their new conduct, and to demand reaſons for it. Some writers, to cover the King's fault, ſay, that an expreſſion which he dropped at dice was taken by the Fidenates, who came to conſult him upon the treatment they ſhould give the Roman ambaſſadors, as an order to kill

kill them. But Livy is far from admitting this manner of relating the fact, and ſhews it is entirely improbable, that a Prince, when conſulted by new allies upon ſo ſerious an affair as that in queſtion, ſhould continue unconcerned at play; and that it is infinitely more natural to believe the King gave them that advice, to attach them the more firmly to his party by a rupture of ſuch a kind, as left them no hopes of reconciliation with the Romans. A. R. 317. Ant.C. 435.

However that were, the latter began by erecting three ſtatues near the Tribunal for harangues, to the ambaſſadors who had been killed; and afterwards applied themſelves ſeriouſly to avenge ſo horrid a violation of the Law of nations. The importance of the affair prevented the Tribunes from exciting troubles; and Conſuls were elected.

M. GEGANIUS MACERINUS, III. A. R. 318.
L. SERGIUS FIDENAS. Ant.C. 434.

Sergius marched againſt the King of the Veientes, and gained a conſiderable victory over him, but which coſt him dear. The loſs in conſequence of a great number of citizens who fell in it, afflicted Rome more than the defeat of the enemy gave them joy. The Conſul ſeems to have had the ſurname *Fidenas* given him from this victory.

To terminate this war ſucceſsfully, the Senate thought it neceſſary to nominate a Dictator. Mamercus Æmilius was elected. He choſe L. Quintius Cincinnatus maſter of the horſe, whoſe merit, young as he was, anſwered his father's reputation; and who the year before had been one of Æmilius's collegues in the office of Military Tribune. At the levy made by the Conſuls, many old centurions of great valour

A. R. 318. Ant. C. 434. and experience in war entered themſelves for the ſervice. The number of the ſoldiers killed in the laſt battle were filled up. Quintius Capitolinus and M. Fabius Vibulanus followed the Dictator as Lieutenants.

Tolumnius is killed in battle by Coſſus who takes the ſecond Royal ſpoils, called opima.

The two armies came to blows near Fidenæ. That of the enemy was the moſt numerous. The Veientes were poſted on the right wing, the Faliſci, who came to their aid, on the left, and the Fidenates in the centre. On the ſide of the Romans the Dictator commanded the right wing, Quintius Capitolinus the left, and the Maſter of the horſe the centre. The latter began the battle with the cavalry, and was ſoon followed by the foot. The infantry of the Hetrurians could not ſuſtain the charge of the Romans: their horſe, animated by the preſence of their King, kept their ground better. There was an officer in the Roman cavalry, called A. Cornelius Coſſus, of illuſtrious birth, of a fine perſon and ſtature, and ſtill more diſtinguiſhed by his bravery. The nobility and merit of his anceſtors exalted his courage, and he not only ſuſtained, but augmented, their glory. As he ſaw that Tolumnius carried terror and confuſion wherever he moved: *Is that*, cried he, *the infractor of human laws, and of the law of nations? I flatter myſelf (if there are gods avengers of guilt) that I ſhall ſoon ſacrifice that victim to the manes of our ambaſſadors.* On ſaying this, he ſpurred forwards with impetuoſity againſt the King, and with the firſt blow of his lance unhorſed him. He diſmounted the ſame moment, and as the King roſe, beat him down upon his back a ſecond time with his buckler, and after having given him ſeveral wounds, thruſt him through the body, and nailed him to the ground. He then ſtript him of his ſpoils,

and

and having cut off his head, fixed it upon the point of his ſpear, and by that bloody trophy evidenced his victory to the enemy, and ſpread terror amongſt them on all ſides. It was no longer a battle, but a flight, with the cavalry. The Dictator, on his ſide, had broke the enemy's foot, and purſued them vigorouſly, and with great ſlaughter. Generals, officers, and ſoldiers, all equally prompted by the deſire of juſt revenge, ſeconded his ardour wonderfully. The victory was compleat. A. R. 318. Ant. C. 444.

The Dictator entered Rome in triumph. But Coſſus, who carried the ſpoils of the King he had killed with his own hand, engroſſed all the honour of that ſolemnity to himſelf, and drew all eyes upon him by the novelty of the ſight. They were the ſecond royal ſpoils, *ſpolia opima*, that had been taken ſince the foundation of Rome. Coſſus placed his in the temple of Jupiter Feretrius, near thoſe of Romulus.

The common opinion was, even in Livy's time, that the ſpoils, called *opima*, were only properly ſo, when taken by one general from another whom he had killed. (*a*) Varro thought otherwiſe. It is however certain that Coſſus was at that time only a ſubaltern officer. The Emperor Auguſtus affirmed, from having ſeen it himſelf, that in the inſcription upon the ſpoils of Coſſus, he was termed Conſul. He was ſo ſome years after, but at a time when there certainly was no ſuch battle. It is not impoſſible, but that inſcription might have been affixed to them in ſucceeding times by ſome deſcendants of Coſſus, who might have called him Conſul, not that he was Conſul when he killed Tolum-

(*a*) Opima ſpolia etiam eſſe, ſi manipularis miles detraxerit, dummodo duci hoſtium. *Varr. apud Feſt.*

A. R. 318. Ant.C. 434. nius, but becauſe he was ſo afterwards. Livy, who no doubt did not dare to refute Auguſtus's teſtimony, to which he ſeems however to have no great regard, does not explain himſelf clearly in this place.

A. R. 319. Ant.C. 433.

M. CORNELIUS MALUGINENSIS.
L. PAPIRIUS CRASSUS.

Liv. l. 4. c. 21—25. Cic. orat. pro domo, n. 86. Val. Max. l. 5. c. 3. Sp. Mælius, Tribune of the People, cited Minucius and Servilius Ahala to take their trials. Livy ſays this accuſation had no conſequence: however Cicero and Valerius Maximus obſerve, that the latter was baniſhed.

A. R. 320. Ant.C. 432.

C. JULIUS, II.
L. VIRGINIUS.

The plague, which had appeared the year before, raged much more during this, both in the city and country. It encouraged the Fidenates to advance almoſt to the gates of Rome. They were aſſiſted by the Veientes. A. Servilius was created Dictator, who choſe Poſtumus Ebutius Elva maſter of the horſe. The war was terminated by the taking of Fidenæ.

The Cenſors C. Furius Pacilus, and M. Geganius Macerinus, cauſed a building in the field of Mars, which they had purchaſed at the public expence, to be fitted up. The *Cenſus* was made there for the firſt time.

A. R. 321. Ant.C. 431.

C. JULIUS, III.
L. VIRGINIUS, II.

Upon a rumour that the twelve people who compoſed the ſtate and whole body of Hetruria, were preparing to attack the Romans, Mamercus Æmilius was nominated Dictator for the ſecond time, who choſe A. Poſtumius Tubertus maſter of the horſe. That alarm of war coming

ing

ing to nothing, the Dictator, ſeeing himſelf deprived of the glory which he might have acquired in the field, conceived the deſign of leaving a monument of his Dictatorſhip by a new law which he propoſed in reſpect to the office of Cenſor. He repreſented to the People, "That it was of importance to the liberty of "the public, that the great offices of the ſtate "ſhould not be of long duration: that all "others were annual, and only the Cenſorſhip "of five years. That there was reaſon to fear, "that ſome future Cenſors, leſs paſſionate for "the public good than thoſe who had filled "that office hitherto, might abuſe an authority "of ſo long continuance. That beſides, it "was oppreſſive to particulars to have the ſame "perſons inſpectors and arbiters of their con-"duct for ſo long a term. That therefore he "believed it expedient to reduce the duration "of the Cenſorſhip to eighteen months." The law was accepted by the unanimous conſent of the People. *And that you may know*, ſaid he, *that I do not approve offices of long continuance, I abdicate the Dictatorſhip from this inſtant:* and he accordingly abdicated it. A. R. 321. Ant. C. 431. *The duration of the Cenſorſhip is reduced to eighteen months.*

The Cenſors were extremely offended by this new law, and carried their reſentment to an exceſs that ſcarce ſeems credible. We have ſeen above, that one of the methods in which thoſe magiſtrates puniſhed the citizens to whoſe conduct they had any exception, was to remove them from a more to a leſs conſiderable Tribe, *Tribu movere*, to ſtrike their names out of the regiſters of their Century, and to leave them no other right and mark of a citizen, except that of paying a certain contribution, which at the ſame time they often augmented; this was called *ærarios facere*. The Cenſors exerciſed their revenge

A. R. 321. Ant. C. 431. venge in this manner againſt one of the greateſt and moſt venerable citizens of Rome, whom they condemned to pay eight times the tax he had uſually paid before. The People were ſo much incenſed, that they purſued them in the Forum, and would have treated them with violence, if Æmilius had not been ſo generous as to interpoſe. (*a*) That great man bore ſo unworthy a treatment with admirable conſtancy, conſidering leſs the intended ignominy in itſelf, than the cauſe of it.

The Tribunes by their clamour prevailed to have Military Tribunes elected; but none of the Plebeians were nominated either this or the following year.

A. R. 322. Ant. C. 430.

M. FABIUS VIBULANUS.
M. FOSSIUS.
L. SERGIUS FIDENAS.

The plague ſtill ſhewed itſelf. As famine was the uſual effect of it, the wiſe precaution was taken of ſending early into Etruria, to Cumæ, and even into Sicily, to purchaſe corn.

A. R. 323. Ant. C. 429.

L. PINARIUS MAMERCUS.
L. FURIUS MEDULLINUS.
SP. POSTUMIUS ALBUS.

Singular law in reſpect to candidates.

The principal Plebeians were highly mortified with having no ſhare in an office, for the inſtitution of which they had ſo warmly contended. They laid the fault upon the People themſelves, by whom they complained of being as little

(*a*) Quam rem ipſum ingenti animo tuliſſe ferunt, cauſam potiùs ignominiæ intuentem, quam ignominiam. *Liv.*

conſidered

conſidered as by the Senators. Others aſcribed it to the induſtry of the Patricians in canvaſſing; and to prevent the effect of it, the Tribunes propoſed a law, which in our times, ſays Livy, could not have been moved ſeriouſly, its ſubject was ſo trifling and contemptible, though it then excited great diſputes between the Senate and People. All the Roman citizens wore white habits: but thoſe who ſtood for offices, and ſollicited the voices of the People, in order to diſtinguiſh themſelves the better, and to attract the eyes of the populace the more upon them, augmented the whiteneſs of their robes by the uſe of a mixture, wherein chalk had a great part: and from thence they were called *Candidati*, candidates. The Tribunes, to prevent canvaſſing, they ſaid, were for having candidates prohibited to whiten their robes; and they carried their point in paſſing that law. As it ſeemed certain that the People in their anger would give the Plebeians a ſhare in the approaching election of Military Tribunes, the Senate, by a decree, ordained that Conſuls ſhould be elected. A. R. 323. Ant. C. 429.

T. QUINTIUS CINCINNATUS. A. R. 324.
C. JULIUS MENTO. Ant. C. 428.

The great preparations of war made by the Æqui and Volſci induced the Senate to think of nominating a Dictator. The Conſuls, who oppoſed each other, and always differed in opinion in every thing elſe, which much alarmed the Senate, united on this occaſion to fruſtrate a nomination, which they conſidered deſtructive to their own authority; and nothing could divide or make them change their opinion on this head. As the news of the powerful armament of the enemy gave great alarm, Q. Servilius Priſcus, who had paſſed through all the great offices

The Conſuls are reduced by force to nominate a Dictator. Liv. l. 4. c. 26—29.

A. R. 324. Ant. C. 428. offices with honour, ſeeing the Conſuls determined not to ſubmit to the authority of the Senate, had recourſe to a remedy more dangerous in its effects than the evil it was intended to redreſs. He exhorted the Tribunes to interpoſe the authority of the People depoſited with them, in order to oblige the Conſuls to declare a Dictator. The Tribunes ſeized with joy ſuch an occaſion of extending their power; and after having deliberated together upon Servilius's demand, they declared unanimouſly, *That the Conſuls had to obey the Senate; and that if they perſiſted any longer in oppoſing the unanimous opinion of that auguſt body, they ſhould commit them to priſon.* The Conſuls choſe rather to ſubmit to the Tribunes than the Senate; but complained in the ſtrongeſt terms, that the Senators betrayed their own intereſt, and the honour of the Conſulſhip, in ſubmitting it to the yoke of the Tribunitian power. They were certainly in the right in this reſpect. For what could be more injurious or a greater indignity to the Senate, than this threat of the Tribunes to impriſon the Conſuls? And what they only menaced then, they actually did afterwards. There are more examples than one in the Roman hiſtory of Conſuls committed to priſon by order of the Tribunes. Such are the unhappy effects of diſcord in Bodies of the greateſt wiſdom and reputation. They are invincible, as long as their union ſubſiſts. Diſcord, in dividing their ſtrength, makes them weak, and terminates in the ruin of their moſt important rights and privileges.

When the queſtion was to nominate the Dictator, the Conſuls, who always differed in their ſentiments, could not agree between themſelves who ſhould declare him. They were reduced to

to decide that point by lot, which fell to Quintius. He choſe A. Poſtumius Tubertus, a man of a ſteady and imperious character, who appointed L. Julius maſter of the horſe. A. R. 324. Ant. C. 428.

Poſtumius the Dictator gains a great victory over the Veientes and Fidenates.

The Dictator, after having divided his troops in two bodies, of which he commanded one himſelf, and gave the other to the Conſul Quintius, took the field. They encamped ſeparately, but near enough to each other, at a thouſand paces from the enemy, who had alſo two camps. The Dictator, in ſeveral attacks, did all that could be expected from the valour and conduct of the moſt able general. The enemy, ſurrounded on all ſides, after having loſt one of their camps, would have been univerſally cut off, and had ſuffered the juſt puniſhment of their revolt, if Vectius Meſſius, an officer of the Volſci, more diſtinguiſhed by his bravery and exploits than his birth, had not extricated them out of the almoſt inevitable danger of a total defeat. Seeing that the troops only moved forwards and backwards, irreſolute how to act: *Have you determined*, ſaid he to them, *to deliver yourſelves up in this place to the enemy without defence? Wherefore then have you arms, and why were you the firſt to declare war, full of courage and boaſt at diſtance from danger, but fearful and cowardly in battle? What do you hope from continuing here? Do you expect that ſome God will come to your aid, and extricate you out of the preſent difficulty? It is with the ſword, that you muſt open yourſelves a way. Such of you as deſire to ſee your houſes, fathers, wives, and children again, follow me where I am going to lead the way. Neither walls, nor intrenchments, but men armed like ourſelves, oppoſe our paſſage.* (a) *If you are equal*

(a) Virtute pares, neceſſitate, quæ ultimum ac maximum telum eſt, ſuperiores eſſis. *Liv.*

A. R. 324. Ant. C. 428. *to the enemy in valour, you are ſuperior to them in the neceſſity of conquering or dying, the laſt, the ſtrongeſt of arms.*

After having ſaid this, he charged the enemy furiouſly, followed by his own people with great cries. The body of troops which oppoſed them under Poſtumius Albus, one of the lieutenants, began to give way, when the Dictator, who ſaw what paſſed, arrived in very good time to their aid. The whole heat of the battle turned this way. The fate of the Volſci depended ſolely on Vectius, who was now their whole force. Much blood was ſhed, and a great ſlaughter made on both ſides. On that of the Romans, almoſt all the general officers were wounded. The Dictator received a wound in the ſhoulder; Fabius a great one in the thigh with a dart; and the Conſul a dangerous one in the arm: however none withdrew from the battle, except Poſtumius, who was carried out of the preſs, his head having been almoſt beaten to pieces by a ſtone. Vectius, after having acted prodigies of valour, with his brave troop of young intrepid ſoldiers, opened himſelf a way through the enemy, of whom he had made a great ſlaughter, and penetrated as far as the camp of the Volſci, which was not yet taken.

The whole Roman army followed him thither. The Conſul, who had purſued the enemy very vigorouſly to the camp, immediately attacked it. The Dictator did the ſame on another ſide. The aſſault here was no leſs warm than the battle. The Conſul is ſaid to have thrown an enſign into the intrenchments, to animate the courage of his ſoldiers; and they were the firſt that broke into the enemy's camp, in order to recover their colours. The Dictator, after having diſmounted the paliſades, had

alſo

alſo entered the camp on his ſide. The enemy then laid down their arms, and ſurrendered at diſcretion. All of them were ſold for ſlaves, except the Senators. Part of the plunder was reſtored to the Latines and Hernici, who took what belonged to each of them. The Dictator cauſed the reſt to be ſold by auction; and having left the Conſul to command the troops that remained in the camp, he returned to Rome, where he triumphed, and immediately after abdicated the Dictatorſhip. A. R. 324. Ant. C. 428.

Some writers have abridged the glory of this Dictatorſhip, by ſaying that Poſtumius cauſed the head of his ſon to be cut off, for having quitted his poſt, and engaged without orders, from which action he however came off victorious. The fact is not certain, and ſeems little probable to Livy. Common opinion aſcribes the firſt and only example of ſo inhuman a zeal for the military diſcipline to Manlius Torquatus.

It is obſerved, ſays Livy, though it did not then concern the Romans, that it was in * this year, for the firſt time, that the Carthaginians, who were in proceſs of time to be ſuch terrible enemies of the Roman People, taking advantage of the diviſions which prevailed in Sicily, ſent an army thither to the aid of one of the parties at war, who had called in their aſſiſtance.

* *Herodotus*, l. 7. c. 166. *remarks, that Amilcar, who had landed in Sicily with three hundred thouſand men, was entirely defeated by Gelo the ſame day that Xerxes loſt the battle of Salamin, and conſequently about fifty years before the time ſpoken of in this place.*

A. R. 325. Ant. C. 427. L. PAPIRIUS CRASSUS.
L. JULIUS.

Liv. l. 4. c. 30—34. A truce of eight years was granted to the Æqui.

A. R. 326. Ant. C. 426. L. SERGIUS FIDENAS, II.
HOST. LUCRETIUS TRICIPITINUS.

A. R. 327. Ant. C. 425. A. CORNELIUS COSSUS.
T. QUINTIUS PENNUS, II.

A great drought deſtroyed abundance of cattle, and occaſioned many diſeaſes amongſt men. (*a*) The very minds of the People ſeemed in ſome meaſure infected with the contagion; for ſuperſtition took place exceedingly by the means of certain impoſtors, who, to turn the credulity of the People to their advantage, went about from houſe to houſe teaching new and ſtrange rites and ſacrifices. The Ædiles were ordered to take care, that no other Gods and ceremonies of religion ſhould be introduced into Rome, but ſuch as were antiently received there.

A. R. 328. Ant. C. 424. SERVILIUS AHALA.
L. PAPIRIUS MUGILANUS.

There was a diſpute upon occaſion of a war with the Veientes, whether it ſhould be declared by order of the People, or only by a decree of the Senate. The Tribunes prevailed that it ſhould be by order of the People; and alſo that Military Tribunes ſhould be choſen for the following year. But they ſtill were all Patricians; and four were elected.

(*a*) Novos ritus ſacrificandi, vaticinando inferentibus in domos, quibus quæſtui ſunt capti ſuperſtitione animi. *Liv.*

T. QUIN-

T. QUINTIUS PENNUS. A. R. 329. Ant. C. 423.
C. FURIUS.
M. POSTUMIUS.
A. CORNELIUS COSSUS.

The three firſt marched with the army againſt the Veientes. We ſhall ſoon have occaſion to obſerve the pernicious effects of a plurality of Commanders in chief, who ſeldom have a good underſtanding with each other. The Veientes took their advantage of the differences that ſubſiſted between theſe, and in a firſt engagement had the better, and obliged them to fly to their camp, and to ſhut themſelves up within its works. The diſgrace was greater than the loſs. But the city, which was not accuſtomed to defeats, was very much afflicted on account of this, and demanded a Dictator. Coſſus nominated Mamercus Æmilius, who choſe him General of the horſe. This was the ſame Æmilius, whom the Cenſors pretended to degrade by their injurious treatment of him. But the mark of infamy, which they had ſet upon him, fell only upon themſelves; and Rome evidenced at this time the little regard ſhe had to their unjuſt ſentence, by ſeeking a Dictator in a houſe they had ſo unworthily ſtigmatized.

Mamercus Æmilius is nominated Dictator.

The Fidenates had joined the Veientes; and, as if the war could not properly commence without guilt on their ſide, they ſullied their arms with the blood of all the new inhabitants, which Rome had ſent amongſt them as a colony, in the ſame manner as they had formerly murdered her ambaſſadors. The enemy eſtabliſhed the ſeat of the war at Fidenæ.

The Dictator encourages the People, who were much alarmed.

Rome was in a great alarm. The troops, who had done their duty ſo ill againſt the Veientes,

A. R. 329. Ant. C. 423. entes, had been recalled. Their late defeat had diſcouraged them. They were made to encamp before the gate *Collina*. Guards were poſted on the walls, the adminiſtration of juſtice was ſuſpended, the ſhops were ſhut; and all things reſembled a camp more than a city. The Dictator, ſeeing the People in ſo great a conſternation, thought it incumbent on him to encourage them before he ſet out, and ſummoned the Aſſembly. When the citizens were met, he aſcended the Tribunal, and began by reproaching them "for ſuffering themſelves to be ſo "much diſmayed by the minuteſt accidents; "that an inconſiderable loſs, not occaſioned by "the enemy's valour, nor the cowardice of the "Roman army, but by the diſcord of the Ge"nerals, had on a ſudden quite damped their "courage, and made them afraid of an enemy "they had ſo often defeated." He added, "That both the Romans and the enemy were "the ſame they had been during ſo many ages; "that they had the ſame courage, the ſame "ſtrength of body, and the ſame arms. That "as to himſelf, he was the ſame Dictator Ma"mercus Æmilius, who had heretofore routed "the armies of the Veientes and Fidenates, "ſupported by the Faliſci. That his General "of the horſe was the ſame Coſſus, who, when "only one of the Tribunes of a legion, after "having killed Lars Tolumnius, King of the "Veientes, in the ſight of the two armies, had "adorned the temple of Jupiter Feretrius with "new Royal ſpoils. That therefore they ſhould "remember, that they had triumphs, ſpoils, "and victory, on their ſide; and that on the "enemy's, there was only the guilt of mur"dering ambaſſadors contrary to the law of "nations, the maſſacre of the colony of Fide-

"næ

" næ at a time of perfect peace, the violation A. R. 329. Ant. C. 423.
" of the truce, and revolts ſeven times repeated,
" notwithſtanding the bad ſucceſs with which
" they had been always attended. That with
" theſe thoughts they ſhould take arms and
" follow him. That he did not doubt, as ſoon
" as the two armies faced each other, that the
" enemy would not rejoice long for the ſlight
" advantage they had gained; and that on the
" contrary the Roman People would eaſily
" comprehend, that they who had nominated
" him Dictator for the third time, had done
" the Commonwealth better ſervice, than thoſe
" who had ſet a mark of infamy on his ſecond
" Dictatorſhip, becauſe he had ſet bounds to
" the tyranny of the Cenſors.

Victory over the Veientes and Fidenates.

The Dictator, after having ſacrificed and made vows to the gods, took the field, and encamped fifteen hundred paces beyond Fidenæ, ſupporting his right with the mountains, and his left with the Tiber. He ordered Quintius Pennus, his lieutenant, to ſeize the mountains, and make himſelf maſter of the eminence in the enemy's rear, where he might eaſily conceal himſelf. The next day the Hetrurians, emboldened by the victory they had gained a little before, offering battle, the Dictator, as ſoon as he was informed that Quintius was maſter of the eminence, gave alſo the ſignal, and made his infantry advance faſt againſt the enemy, after having directed the General of the horſe not to begin the battle till he received his orders: that he would give him the ſignal at a proper time; and that he had only to think then of ſupporting the honour he had acquired by the Royal ſpoils.

The armies charged each other, and fought with great ardour on both ſides. A juſt deſire

A. R. 329. Ant. C. 423. of revenge, joined with contempt and indignation, animated the Romans ſtrongly againſt the Veientes and Fidenates, whom they called perfidious allies, cowardly enemies, and infractors of truces, polluted with the blood of ambaſſadors, and of thoſe who inhabited the ſame city with them. They had already began to give way before the firſt charge, when the gates of Fidenæ were on a ſudden thrown open, and a troop of people, armed with fire and flaming torches, came out, who fell upon the Romans like ſo many madmen. This new form of fight at firſt ſurprized and confounded the Romans, when the Dictator, after having ordered Coſſus to advance with the cavalry, and Quintius to deſcend from the mountains, flew to the left wing, which thoſe unexpected fires had put into diſorder. *How is this, ſoldiers,* ſaid he; *are you conquered with ſmoke like an hive of bees, and do you quit your poſts, and give way before enemies without arms? What then is become of the Roman valour? If you are to fight with fire and not the ſword, go, take thoſe burning torches out of the hands of the enemy, and turn them againſt Fidenæ, in order to deſtroy a city with its own flames, which you have not been able to conciliate by your favours.* On theſe words the Romans reſumed courage, and armed themſelves with the torches that had been thrown at them, or which they had taken from the enemy. It was no longer a battle, but a kind of conflagration. At the ſame time Coſſus advanced full ſpeed with the cavalry, and charging with incredible impetuoſity into the midſt of the flames, which did not frighten the horſes as at firſt they had the men, he beat down and trampled under foot all before him.

At

At this inſtant new cries were heard, which ſurprized and terrified both armies. The Dictator informed his troops, that it was Quintius attacking the enemy's rear by his order; and then with great cries he made them renew the fight with more ardour than before. The enemy were in extreme confuſion, when they ſaw themſelves attacked at the ſame time in front and rear, and that they could neither retire into their camp, nor to the mountains, from whence the new enemy were come down upon them. Moſt of the Veientes fled in diſorder towards the Tiber, in order to paſs it, and return home: but very few of them eſcaped. Some were killed upon the banks; others were puſhed into the river, and ſwallowed up by the waves; and even thoſe that could ſwim were drowned through wearineſs, wounds, and fear. As to the Fidenates, the few that remained of them made towards Fidenæ through their own camp. The Romans purſued them thither, eſpecially Quintius, whoſe troops were ſtill freſh, from their not having come down from the mountains till towards the end of the battle. Having entered pell-mell with the enemy, they got upon the walls, and made a ſignal that the city was taken. As ſoon as the Dictator perceived it, he marched thither with his troops, and advanced to the citadel, whither the ſoldiers and citizens were flying in crowds. The ſlaughter was great, till the Fidenates laid down their arms, and ſurrendered at diſcretion, aſking only to have their lives ſpared. The city and camp were plundered by the troops. The Dictator returned to Rome, and triumphed at the head of his victorious army laden with ſpoils. Mamercus laid down the Dictatorſhip ſixteen days after he received it, which made people doubt,

A. R. 329. Ant. C. 423.

whether his moderation was not ſtill greater than his valour; and left the city, which he found in extreme conſternation, in the moſt profound peace and tranquillity.

A. R. 330. Ant. C. 422.

A. SEMPRONIUS ATRATINUS.
L. QUINTIUS CINCINNATUS.
L. FURIUS MEDULLINUS.
L. HORATIUS BARBATUS.

A truce for twenty years was granted to the Veientes, and one only for three years to the Æqui, though they had demanded it for a longer term.

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A. CLAUDIUS CRASSUS, &c.

The games which had been vowed during the war, were now celebrated with great ſolemnity, and a vaſt concourſe of the neighbouring people, who were highly ſatisfied with the kind and engaging manner, in which the Romans practiſed hoſpitality in regard to them.

Complaints of the Tribunes on account of the Plebeians being excluded from offices.

After the celebration of theſe games, the Tribunes, highly diſcontented and enraged, that the Plebeians could not obtain a ſingle place amongſt the Military Tribunes, though that depended abſolutely upon the People, made great complaints to them upon that head in their harangues. They reproached the multitude, "that "their blind and ſtupid admiration for thoſe "they really hated at bottom, made them con- "tinue voluntarily in eternal ſlavery; that they "not only did not dare to aſpire at the Con- "ſulſhip, but that even in the nomination of "Military Tribunes, in which they had an "equal right with the Senate, they forgot them- "ſelves, and thoſe attached to them. They "added, that they ought not to wonder if none

" concerned themſelves any longer in defence A. R. 331. Ant. C. 421.
" of the intereſts of the People. (*a*) That per-
" ſons expoſed themſelves willingly to labours
" and dangers of all kinds for thoſe from whom
" they might reaſonably expect advantage and
" honours. That men would be capable of un-
" dertaking all things, if the greatneſs of re-
" wards anſwered that of their endeavours. But
" for a Tribune of the People to plunge head-
" long into diſputes, in which he could foreſee
" nothing but dangers and no advantage; and
" from which the only fruits he could promiſe
" himſelf were implacable hatred and eternal
" perſecution on the ſide of the Senators, and
" on that of the People, for whom he con-
" tended, a total oblivion of all his intereſts;
" this was what could neither be expected nor
" required. That great honours generate great
" courages. That no Plebeian would deſpiſe
" himſelf, if he ceaſed to be deſpiſed by others.
" That at leaſt they ought to make trial of
" ſome of them, to experience what they are
" capable of, and to ſee if it were ſo prodi-
" gious a thing to find a man of valour and
" merit amongſt the People. That, after ma-
" ny conflicts, they had prevailed that Mili-
" tary Tribunes with Conſular authority might
" be elected out of the People. That Plebei-
" ans, generally eſteemed for the ſervices they
" had rendered the State both in peace and war,
" had offered themſelves as candidates for that
" dignity. That in the firſt years, they had
" been ſhamefully rejected, and made to ſerve

(*a*) Eo impendi laborem ac periculum unde emolumentum atque honos ſperetur. Nihil non aggreſſuros homines, ſi magna conatis magna præmia proponantur. *Liv.*

" only

A. R. 331. Ant. C. 421. "only for the laughter of the Patricians; that "they had ſince ceaſed to produce themſelves "on the like occaſion, to avoid being made a "ſight, and experiencing ſo ſenſible an af- "front. That they ſaw no reaſon why they "did not entirely aboliſh a Law, that gave a "Right, of which they were never to make "uſe. That, whatever injuſtice there might "be in ſuch a proceeding, it would be leſs "ſhameful for them not to be admitted into an "office from which they were excluded by "law, than to exclude themſelves as unworthy "of it."

This kind of harangues were heard with pleaſure, and received with applauſes. They induced ſome Plebeians to offer themſelves as candidates for the office of Military Tribune, promiſing the People, that during their adminiſtration they would paſs laws in favour of their intereſts; as, for diſtributing the lands belonging to the public, eſtabliſhing new colonies for the relief of the citizens, and impoſing a fixed tax upon the proprietors of lands for the payment of the armies. The Military Tribunes actually in office, were not ignorant of all that paſſed amongſt the People. They took the advantage of a ſeaſon when few of the magiſtrates were at Rome; and having clandeſtinely given the Senators advice to repair thither at a certain day, the Senate, in the abſence of the Tribunes of the People, decreed, that, as there was advice, that the Volſci had taken the field to ravage the country of the Hernici, the military Tribunes ſhould ſet out immediately to inform themſelves upon the ſpot concerning the fact, and that in the mean time the aſſembly for the election of Conſuls ſhould be held. They left the collegue to govern Rome upon whoſe

whoſe tenaciouſneſs they could moſt rely: this was Appius Claudius, the ſon of the Decemvir, a young magiſtrate of great fire and audacity, and who had imbibed from his cradle an hatred for the People and their Tribunes. He immediately ſummoned the aſſembly, and Conſuls were choſen. The Tribunes of the People were ſurprized and confounded at their return, and were incapable of acting any thing either with reſpect to thoſe who had paſſed the decree and were abſent, or Appius, the affair being entirely over and compleated. A. R. 331. Ant. C. 421.

I do not know whether it was conſiſtent for ſo grave and venerable a body as the Senate, to employ ſuch little arts, as it did upon this occaſion for the election of Conſuls. I find ſomething much more noble in the conduct of the People, and cannot ſufficiently admire it. Animated by their Tribunes, they had made the utmoſt efforts, and proceeded to the laſt extremities, for being admitted to ſhare in the Conſulſhip. All is in a flame, and there is no danger that is not to be feared, ſo enraged do the populace appear, and ſo ready to commit the greateſt violences. The Senate give way, and grant the Plebeians what they demand, changing only the name. The People immediately chuſe three Military Tribunes with Conſular authority, and not one of them Plebeians. What then is become of this fury of the People, ready to ſubvert all things? Like thoſe violent and momentary ſtorms that leave no traces behind them, it changes immediately into a wiſdom and moderation, which have no example. It would perhaps ſeem leſs wonderful, that the People, charmed with the condeſcenſion of the Senate, in the firſt moments and tranſport of their joy, ſhould pique themſelves upon not

A. R. 331. Ant.C. 421. giving place to that auguſt Body, and upon nobly renouncing their own intereſts. But, notwithſtanding the warm and continual ſollicitation of the Tribunes, to perſiſt in the ſame ſentiments during ſo many years, for twenty are already paſt ſince the inſtitution of Military Tribunes, and as many more will paſs without any Plebeians being admitted into that office; this is what ſeems to me above all praiſe. There is reaſon to believe that the People thought and acted in this manner out of eſteem for the wiſdom and conduct of the Senators, in whoſe hands they deemed the authority of the government better lodged than in thoſe of the Plebeians. An expreſſion in the harangue of the Tribunes which I have repeated above ſeems to inſinuate this. They reproach the People, that their blind and ſtupid admiration of the Senators makes them condemn themſelves to eternal ſlavery, *quod admiratione eorum quos odiſſent ſtupens, in æterno ſeipſa ſervitio teneret.* This then, according to the Tribunes, is the People's reaſon for not being willing hitherto to admit Plebeians into the firſt dignities of the ſtate. Could any thing do them greater honour?

A. R. 332. Ant.C. 420.

C. SEMPRONIUS ATRATINUS. Q. FABIUS VIBULANUS.

The Samnites eſtabliſh themſelves at Capua. Liv. l. 4. c. 37—42.

There happened this year a thing not immediately affecting Rome, but which merits a place here, becauſe the city to which it relates will have a great part hereafter in the Roman hiſtory. The Samnites had long made war with the Hetrurians, moſt probably upon account of a city called at that time Vulturnum, in the dependance of the latter. The Hetrurians, weary of the length and expences of the war, conſented at length that the Samnites ſhould

ſhould ſend a colony into Vulturnum, and that it ſhould be put into poſſeſſion of part of the city and country adjacent. Some time after, the Samnites, taking advantage of a public ſolemnity, which was paſſed in feaſting and merriment, murdered in the night all the firſt inhabitants, whom they found buried in wine and ſleep, and became, by that horrid maſſacre, ſole maſters and poſſeſſors of the city. They changed its name, and called it Capua, from Capys their chief, or for ſome other reaſon. A. R. 332. Ant. C. 420.

Unfortunate campaign of Sempronius againſt the Volſci.

The report of the extraordinary preparations for war made by the Volſci, were found to be only too true. Sempronius marched againſt them. He was a general of great valour, popular, and familiar with the ſoldiers, by whom he was adored; but he was more a ſoldier himſelf than a great captain, and made war, as if valour alone ſufficed for diſcharging all the duties of a commander in chief. As he led a victorious army againſt a conquered enemy, he took none of thoſe precautions, which may be conſidered as certain pledges of good ſucceſs. He formed no body of reſerve, diſpoſed his horſe very ill, and acted in every thing with the utmoſt negligence, aſſuring himſelf of victory. The Volſci undeceived him. When they came to a battle, the Romans made no great reſiſtance, and ſoon gave way. It was in vain for the Conſul to employ exhortations or reproaches. When fear has once ſeized the ſoldier, he ſees and hears the example and orders of his general no longer. The Romans hearkened to nothing, and the whole army was upon the point of being routed, when a ſimple * *De-*

* *The horſe of each legion was divided into* Decuriæ, *conſiſting of ten men. The officer who commanded one, was called* Decurio.

curio

A. R. 332. Ant. C. 420.

Great action of Tempanius, which ſaves the army.

curio of the horſe, called Tempanius, prevented a total defeat. That brave man, ſeeing all give way, and that the cavalry, which the Conſul had left in a place where the ways were ſo broken that it could not act, cried out with a loud voice to the horſe to diſmount, if they would ſave the commonwealth. The horſe obeyed to a man, as if the Conſul himſelf had given that order. *If we do not ſtop the enemy*, ſaid he, *the Roman power is no more. Follow my lance inſtead of an enſign, and ſhew both the Romans and Volſci, that on foot as well as on horſeback nothing is able to reſiſt you.* All raiſed a great cry to expreſs their approbation; and he advanced at the head of them with his lance raiſed. They charged where the Romans were moſt preſſed. Wherever they appeared, they re-inſtated the battle, and if their number had admitted them to ſhew themſelves every where, they would undoubtedly have obliged the enemy to fly. As their impetuoſity could not be ſuſtained, the general of the Volſci ordered his troops to open them a way where they attacked, till that new battalion being too far advanced, ſhould be ſeparated from the reſt of the army. This happened accordingly, and is a very uſual fault with victorious troops. Thoſe brave ſoldiers could not return the ſame way they had entered, the enemy having cloſed and ſtrengthened their line extremely in that part of it, to prevent them from getting back. The Conſul and Roman legions having loſt ſight of the battalion in which their whole force conſiſted, and apprehending, that thoſe generous troops would be overpowered by the enemy, made the utmoſt efforts to find and rejoin it. The Volſci, on one ſide, ſtrongly repulſed the Conſul and legi-

ons,

ons, and on the other charged Tempanius and his ſoldiers with vigour. The latter, after having made many attempts, but always ineffectually, to break through the enemy, and return to the groſs of their own army, ſeized an eminence, where they drew up in an orb, and defended themſelves with a courage, that coſt the Volſci abundance of blood. Only the night put an end to the battle. The Conſul, on his ſide, continued to ſuſtain and repel the enemy, as long as any light remained; when both ſides drew off, without knowing which had gained the victory. The terror was ſo great in both armies, that each believing themſelves defeated, left their wounded men with a great part of their baggage in their camp, and retired to the neighbouring mountains. The Volſci however ſurrounded the eminence till midnight, when being informed that their camp was abandoned, and believing their army defeated, they went off as they could. A. R. 332. Ant. C. 420.

Tempanius, who did not doubt but he ſhould be attacked as ſoon as it was light, was very much ſurprized at day-break to ſee neither friends nor enemies. He could not conceive what was become of the two great armies, which occupied the plain a few hours before, and went himſelf firſt to view the camp of the Volſci, and afterwards that of the Romans. He found the ſame ſolitude, and ſaw only ſome wounded men who had not been able to follow the groſs of their army, in both. From thence he went immediately to the field of battle, where nothing preſented themſelves to his view but dead and dying men, and the dreadful ſcene uſual the next day after a battle. He then carried off with him as many of the wounded as he could,

A. R. 332. Ant. C. 420. could, and not knowing what route the Conſul had taken, marched by the ſhorteſt way for Rome.

The news of this unfortunate battle, and of the camp's being abandoned, had already ſpread there, and occaſioned a general conſternation in every family. The loſs of the cavalry was particularly deplored, who were believed to have been entirely cut to pieces. The Conſul Fabius, to prevent ſurprize, had poſted troops at the gates. A body of armed men perceived at a great diſtance, gave the city new terror, and it was feared that they were the enemy. That fear ſoon changed into inconceivable gladneſs, when it was diſcovered that theſe troops were the horſe, who were believed dead. Nothing was heard throughout the city but acclamations of joy. Their mothers and wives, quite out of their ſenſes, and forgetting the decency of their ſex, ran to meet them, and with faces bathed in tears, tenderly embraced their children and huſbands, whom they ſaw again contrary to all expectation.

Tempanius's wiſe anſwer to the Tribunes of the People.

The Tribunes of the People expreſſed their virulence againſt the Patricians at a very wrong time on this occaſion. They had cited M. Poſtumius and T. Quintius before the People, on account of the battle of Veii, loſt by their fault four or five years before. The preſent ſeemed a favourable occaſion for reviving that affair. Having ſummoned the aſſembly, they repreſented with abundance of warmth and vivacity, that the fault of the two generals at Veii having remained unpuniſhed, had made way for what had happened againſt the Volſci, where the Conſul had betrayed his army, abandoned the braveſt of the cavalry to be cut to pieces, and ſhamefully deſerted his camp. One of the Tribunes,

bunes, called C. *Villius, cauſed the Knight Tempanius to be cited, and interrogated him juridically before the whole aſſembly in theſe terms. "*Tempanius, I aſk you, whether you "believe that the Conſul Sempronius gave battle "at a proper time, whether he poſted a body of "reſerve for the ſecurity of the army, and whe-"ther he diſcharged any of the duties of a good "Conſul? I aſk you again, when you ſaw the le-"gions routed, whether you did not, of your own "accord, make the horſe diſmount, and reinſtate "the battle? Whether, when you and your fol-"lowers were ſeparated from the reſt of the ar-"my, the Conſul aided you in perſon, or ſent you "any aid? Whether you were joined by any re-"inforcement the next day? Whether you and your "troops did not penetrate to our camp in effect of your "own courage? Whether you found the Conſul or "the army there? or whether you did not find it "abandoned by all, except the ſick and woun-"ded, that had been left in it? As you are a "man of truth, and one by whoſe valour alone our "army was preſerved, you are to anſwer to all "theſe heads faithfully, and without diſguiſing "any thing; and alſo to tell me, where Sempro-"nius and the legions are? Whether you aban-"doned the Conſul, or the Conſul you? And laſt-"ly, whether we gained the victory, or were de-"feated?" A. R. 332. Ant. C. 420.

The affair was delicate and perplexing to a ſoldier, who was unwilling either to depart from truth, or accuſe his general. (a) The anſwer of

* *He is called* C. Julius *in the text. The* Julii *were Patricians, and conſequently could not be Tribunes of the People. Sigonius conjectures with much probability on his ſide, that* C Villius *ſhould be read here.*

(a) Adverſus hæc Tempanii oratio incompta fuiſſe dicitur, cæterùm militariter gravis: non ſuis vana laudibus, non crimine alieno læta. *Liv.*

A. R. 332. Ant. C. 420. Tempanius was ſimple and ſoldierly, that is to ſay, without ornament, but full of good ſenſe and dignity; and he equally avoided ſetting himſelf off, and accuſing or leſſening others. It was, "That it did not become a ſoldier to "paſs his judgment upon the military abilities "of his general: that the People ſhould have "made that enquiry, when they elected him "Conſul. That therefore he ſhould not be "aſked what he thought of the plan and de-"ſigns of Sempronius as to the operations of "the war, upon which he conceived the moſt "expert in the art military might find it diffi-"cult to anſwer. That as to him, he could "only ſpeak what he ſaw, which was, That "before he was ſeparated from the groſs of the "army, he ſaw the Conſul fighting at the head "of the troops, exhorting them, and repairing "in perſon wherever the danger was greateſt: "that afterwards himſelf and his followers loſt "ſight of him. That however, by the noiſe "and cries which he heard, he judged that the "battle had been continued till night; and "that the numbers of the enemy had prevent-"ed the Conſul from penetrating to the emi-"nence he had ſeized. That he did not know "where the army was; but conjectured, that "as himſelf and his followers had taken the "advantage of an eminence for their defence, "the Conſul had ſought a proper place to en-"camp, for the better ſecurity of himſelf and "his army. That he believed the troops of "the Volſci were in no better condition than "thoſe of the Romans: and that the night had "equally prevented the two armies from "knowing how to act, or what was become of "each other." For the reſt, he deſired they would favour him ſo far as not to detain him any

any longer, being in great need of reſt after his fatigues, and to get his wounds dreſt. And indeed, the Tribune was very unreaſonable, to ſtop, as he did, a ſoldier ſo much fatigued as Tempanius muſt have been, for the ſake of interrogations ſo little neceſſary and ſo abſurd. He returned home with the higheſt praiſes and applauſes of the whole People, who admired the wiſdom and moderation of his anſwer ſtill more than the valour and good conduct, with which he had ſo lately fought the enemies of his country. A. R. 332. Ant. C. 420.

But the Tribunes continued their proceedings againſt the two commanders they had cited before the People. As the multitude were highly afflicted with what had happened againſt the Volſci, and very much diſſatisfied with their generals, Poſtumius was condemned in a fine: but as for Quintius, his great actions ſince the unfortunate battle of Veii, and the regard of the People for his father Cincinnatus and his (1) grandfather Q. Capitolinus, ſpared him that affront, and he was acquitted.

The People amongſt the reſt of the Tribunes nominated Sex. Tempanius, A. Sellius, L. Antiſtius, and Sex. Pompilius, though abſent. The three laſt were the principal perſons of the Knights, who had followed Tempanius in the generous action we have juſt related. This

(1) *Quintius Capitolinus mentioned here ſurvived Cincinnatus, who was Dictator after fourſcore: from whence, and what he ſays above in Cæſo Quintius's trial, Capitolinus ſhould rather have been the uncle than grandfather both of this Conſul and Cæſo. Livy ſays, he implored the People, that having ſo ſhort a time to live, they would not ſuffer him to carry the ſad news of their ſeverity to Cincinnatus:* exactæ jam ætatis Capitolinus Quintius, ſuppliciter orans, ne ſe brevi reliquo vitæ ſpatio tam triſtem nuncium ferre ad Cincinnatum paterentur. *Liv. l.* 4. *c.* 41.

A. R. 332. Ant. C. 420. ſhews that the People are ſenſible to merit, and are not ſlow in rewarding it. The valour alone of thoſe four noble ſoldiers had made intereſt for them in their abſence.

The Conſulſhip having given great diſguſt this year, Military Tribunes were elected for the next.

A. R. 333. Ant. C. 419.

L. MANLIUS CAPITOLINUS, &c.

The beginning of this year, L. Hortenſius, Tribune of the People, cited Sempronius the Conſul of the laſt year to take his trial. His four collegues mentioned above deſired him not to proceed with rigour againſt their general, who could be reproached with nothing but his ill fortune. As the Tribune ſeemed averſe to complying with their requeſt, they declared, that if he perſiſted in his reſolution, they would change habits with the accuſed, preſent themſelves to the People as ſuppliants, and implore their pity for a general, who had always treated them with great goodneſs, and whom they looked upon as their father. Hortenſius could hold out no longer againſt ſuch moving and noble ſentiments. The Roman People, ſaid he, ſhall not ſee their Tribunes in the garb of ſuppliants and criminals. *I deſiſt from proceeding againſt Sempronius, as he has known how, during his command, to make his ſoldiers love him ſo well.* And indeed, that is an exceedingly great merit, and a glory to which generals cannot too much aſpire. (*a*) The People and Senate equally admired both the warm gratitude of the four Tribunes, and the facility with which Hortenſius complied with ſuch juſt entreaties.

(*a*) Nec pietas quatuor Tribunorum, quam Hortenſii tam placabile ad juſtas preces ingenium, pariter Plebi Patribuſque gratior fuit. *Liv.*

SECT.

SECT. IV.

Two new Quæſtors for the army are inſtituted, which officers are ſtill choſen out of the Patricians. Functions of the Quæſtors. Sempronius is fined. A Veſtal virgin accuſed and acquitted. Conſpiracy of the ſlaves ſtifled in its birth. Miſunderſtanding of the generals followed with their defeat, which is retrieved by the Dictator. Poſtumius, one of the Military Tribunes, is ſtoned by his army. Puniſhment of that murder. Various diviſions and wars. The Plebians attain the Quæſtorſhip. War againſt the Volſci. New troubles in the commonwealth. Pay of the Roman infantry firſt inſtituted. Siege of Veii begun.

NUMERIUS FABIUS VIBULANUS. A. R. 334.
T. QUINTIUS CAPITOLINUS. Ant. C. 418.

NOthing conſiderable paſſed without doors during this Conſulſhip; but there was abundance of agitation within, and it is eaſy to judge that the Tribunes were at the bottom of it.

New annual Quæſtors nominated, who are ſtill choſen out of the Patricians.

Till then there had been only two Quæſtors, whoſe functions were confined to the city, and who had always been elected out of the body of the Patricians. The Conſuls propoſed the creation of two more, to follow the Conſuls and generals to the field, and whoſe province ſhould extend ſolely to war. The Tribunes did not reject this propoſal, but they demanded, that part of the Quæſtors ſhould be elected out of the Plebeians. The Senate, after great diſputes, conſented, that the ſame ſhould take place in reſpect to the Quæſtors as to the Military Tri-

A. R. 334. Ant. C. 418. bunes, and that the People ſhould be at liberty to chuſe them indifferently out of the Patricians or Plebeians. But this condeſcenſion, though it coſt the Senate much reluctance, did not ſatisfy the Tribunes. Inſtructed by what happened in the election of Military Tribunes, they inſiſted upon its being decreed, that the Quæſtors ſhould be abſolutely choſen half Patricians and half Plebeians. The Senate, the more eaſily to terminate this affair, deſired exceedingly to proceed to the election of Conſuls: for the time was arrived. It was neceſſary for them to paſs a decree for that purpoſe, which the Tribunes oppoſed.

The Conſuls having quitted their office, an *interregnum* enſued, which continued a conſiderable time, through the new difficulties which were ſtarted every day, and urged very warmly on both ſides. At length, on the remonſtrances of L. Papirius Mugillanus, who had been appointed *Inter-rex* after ſeveral others, an accommodation was concluded, in which each ſide ſeemed to abate ſomething of their pretenſions. Its purport was, that the Senate ſhould ſuffer Military Tribunes to be nominated in the room of Conſuls; and that the Tribunes of the People ſhould not oppoſe the election of Quæſtors indifferently out of the two orders.

They began by chuſing Military Tribunes. They were all Patricians.

L. QUIN-

L. QUINTIUS CINCINNATUS, III. A. R. 331.
SEX. FURIUS MEDULLINUS, II. Ant. C. 417.
M. MANLIUS.
A. SEMPRONIUS ATRATINUS.

The election of Quæſtors came on next. Sempronius preſided in the aſſembly held for that purpoſe. Amongſt ſeveral Plebeians, who were candidates for that office, were the ſon of Antiſtius, and a brother of Pompilius, both Tribunes of the People. Their credit was great; ſtrong intereſt was made; and they omitted nothing that might acquire them the honour of being the firſt to introduce the Quæſtorſhip into the Plebeian order, the one in favour of his ſon, and the other of his brother. Their endeavours were however abortive, and the People could not help preferring the nobility, whoſe fathers and grandfathers they had ſeen diſcharge the functions of the Conſulſhip with dignity and ſplendor.

The Tribunes in effect were in the higheſt fury, eſpecially thoſe whom that diſgraceful diſappointment perſonally affected. They ſaid, "That they could not conceive how the Peo-" ple could be ſo inſenſible to the ſervices they " had done them, the ill treatment they had " received from the Senators, the earneſt re-" queſt of two of their Tribunes in behalf of " a ſon and a brother, and the pleaſure of poſ-" ſeſſing a new dignity that offered itſelf to " them, as to be able to perſevere tenaciouſly " in refuſing to reward any Plebeian, not only " with the office of Military Tribune, but now " with the Quæſtorſhip." They cried out that there muſt infallibly have been ſome fraud in reporting the ſuffrages, and that Sempronius,

A. R. 335. Ant. C. 417. *Sempronius fined.*

who had taken them, ought to be called to an account. But as he was a perſon of diſtinguiſhed probity, whom his innocence and the dignity of his office placed out of their reach, they turned their whole indignation againſt his kinſman C. Sempronius. They revived the affair of the laſt battle, and cited him to take his trial before the People. Notwithſtanding all the endeavours uſed by the Senators in his favour, they could not prevent him from being condemned in a fine.

Summary deſcription of the functions of the Quæſtorſhip.

Quæſtor is properly what we call treaſurer. It is derived (*a*) from a Latin word that ſignifies *to enquire*, becauſe to enquire into the public revenues, and ſometimes into criminal affairs, was confided to the care of the Quæſtors.

Only two were created at firſt, whoſe functions did not extend beyond the city. Authors do not agree concerning the time of their inſtitution. The moſt common opinion places it in the reign of Tullus Hoſtilius, or in the Conſulſhip of Valerius Publicola, the firſt year after the expulſion of the Tarquins. There were two Quæſtors annually choſen, and of the Patrician order.

Liv. l. 4. c. 41. Id. l. 3. c. 24, 25. Liv. l. 4. c. 43.

It was the Quæſtors, who proſecuted Sp. Caſſius before the People, (Livy mentions Quæſtors for the firſt time in that paſſage) and who alſo accuſed M. Volſcius.

The two Quæſtors of the city, who till then had been choſen by the Kings, according to thoſe who aſcribe the inſtitution of them to

(*a*) Quæſtores à quærendo dicti ſunt, qui conquirerent publicas pecunias, & maleficia. *Varr. l. 4. de ling. Lat.*

Tullus

Tullus Hoſtilius, and afterwards by the Conſuls; two others were added to ſerve abroad and in the armies the 334th year of Rome. The People prevailed to have it ordained, that for the future the Quæſtors might be choſen indifferently out of the Plebeians and Patricians. A. R. 335. Ant. C. 417.

The Quæſtors of the city had the keeping of the public treaſury, called *Ærarium*, which was in the temple of Saturn. They depoſited there the ſums paid into their hands by the tax-farmers of the Roman People, thoſe which were raiſed by the ſale of ſpoils taken from the enemy, and all the public revenues in general. They kept an exact regiſter of receipts and diſburſements, and delivered no ſum without the order of the Conſuls or the Senate. When the army was upon the point of taking the field, they took the enſigns out of the public treaſury where they were kept, and cauſed them to be carried to the Conſul. The commonwealth alſo charged them with the care of lodging Embaſſadors, of ſupplying them with all neceſſaries, and giving them the preſents ordered by the Senate at their departure.

The Quæſtors for the ſervice abroad were created, as we have ſaid before, for the (*a*) occaſions of war. They had the keeping of the military cheſt, and accompanied the Conſuls and generals in the army, in order to take an account, and to ſell the ſpoils of the enemy, and eſpecially to provide what was neceſſary for the ſubſiſtance of the army.

There were only two of theſe at firſt: but their number was augmented in proportion to the conqueſts of the Roman People. One was

(*a*) Ut præter duos urbanos Quæſtores, duo Conſulibus ad miniſteria belli præſtò eſſent. *Liv. l.* 4. *c.* 43.

ſent

A. R. 335. Ant. C. 417. ſent into each province with the Prætor, except Sicily which had two, becauſe it was divided into two parts: the one reſided at Lilybæum, and the other at Syracuſe. Beſides the military cheſt, of which they had the keeping, thoſe who formed the revenues of the Roman People, paid the ſums collected from the provinces into their hands, which they returned to Rome, in order to their being depoſited in the public treaſury. Sometimes, in the abſence of the Prætor, the care of adminiſtring juſtice, and even commanding the army, was confided to them.

The Quæſtors drew lots for their different provinces, whether in the city, in Italy, or elſewhere.

The Quæſtorſhip was not one of the great offices of the State, but (*a*) the firſt ſtep to them. It was not uſually conferred till after ten years ſervice, that is to ſay, at about the age of twenty ſeven.

I cannot conclude this little digreſſion upon the Quæſtorſhip better, in my opinion, than with a fine paſſage of Cicero, wherein he repeats the diſpoſition, with which he entered into that office. After (*b*) having called the gods to witneſs the ſincerity of what he is going to

(*a*) Quæſtura primus gradus honoris. 2 *Verr.* n. 11.

(*b*) O dii immortales—— ita mihi meam voluntatem ſpemque reliquæ vitæ veſtra populique Romani exiſtimatio comprobet, ut ego, quos adhuc mihi magiſtratus populus Romanus mandavit, ſic eos accepi, ut me omnium officiorum obſtringi religione arbitrarer. Ita quæſtor ſum factus, ut mihi honorem illum non tam datum quam creditum ac commiſſum putarem. Sic obtinui quæſturam in provincia, ut omnium oculos in me unum conjectos arbitrarer: ut me quæſturamque meam quaſi in aliquo orbis terræ theatro verſari exiſtimarem; ut omnia ſemper, quæ jucunda videntur eſſe, non modo his extraordinariis cupiditatibus, ſed etiam ipſi naturæ ac neceſſitati denegarem. *Verr.* 7. *n.* 35.

ſay:

ſay: "In all the employments, ſays he, with which the Roman People have hitherto honoured me, I have thought myſelf obliged by the moſt ſacred ties of religion to diſcharge the duties of them worthily. When I was firſt made Quæſtor, I conſidered that dignity, not as a gift beſtowed on me, but as a depoſite confided to my vigilance and fidelity. When I was afterwards ſent in the ſame office into Sicily, I imagined that all eyes were fixed upon me alone, and that myſelf and office were in a manner exhibited upon ſome great theatre to the ſight of all nations. With this thought I denied myſelf not only all pleaſures, that induce ſtrong paſſions, but even thoſe which are moſt allowable and even neceſſary." It were to be wiſhed that all magiſtrates entered upon office with the ſame diſpoſitions. A. R. 335. Ant. C. 417.

The ſame year that the number of Quæſtors was augmented, Poſtumia, one of the Veſtals, was accuſed of having violated her vow of chaſtity. (*a*) A too great care in adorning her perſon, and a behaviour too free for a ſacred virgin, had occaſioned her being ſuſpected of that crime, not without ſome foundation. She defended her cauſe, and juſtified herſelf. At firſt a farther examination was decreed: and then, after ſhe had been declared innocent, the *Veſtal accuſed, and acquitted.*

(*a*) Poſtumia, virgo Veſtalis, de inceſtu cauſam dixit, crimine innoxia; * ob ſuſpicionem propter cultum amœniorem, ingeniumque liberius quam virginem decet, parum abhorrens famam. † Ampliatam, deinde abſolutam pro collegii ſententia, Pontifex maximus abſtinere jocis, colique ſanctè potiùs quam ſcitè juſſit. *Liv.*

* Ob ſuſpicionem &c. *This Latinity is ſuſpected by Gronovius. He reads:* ab ſuſpicione——parum abhorrens. Eam &c.

† Ampliata. *By* Ampliation: *a term uſed when it was decreed by the judges, that the proceſs ſhould be begun again, that is to ſay, that the cauſe ſhould be tried a ſecond or third time.*

Great

A. R. 335. Ant. C. 417. Great Pontiff admoniſhed her to behave with more prudence and leſs gaiety for the future; and to have more regard to modeſty, than taſte and elegance, in her dreſs.

The people of Capua about this time made themſelves maſters of the city of Cumæ, which had been poſſeſſed till then by the Greeks.

A. R. 336. Ant. C. 416. Agr. Menenius Lanatus, &c.

Conſpiracy of the ſlaves ſtifled in its birth.

The ſlaves formed a conſpiracy to ſet the city on fire in ſeveral parts, in order to ſeize the Capitol, whilſt the People were employed in extinguiſhing it. Jupiter, ſays Livy, fruſtrated the effect of ſo criminal a deſign: for the Romans referred every thing to the Divinity. Two of the ſlaves diſcovered the conſpiracy. They were rewarded with their liberty, and a conſiderable ſum of money for thoſe times; and the moſt criminal were puniſhed.

A. R. 337. Ant. C. 415. L. Sergius Fidenas.
M. Papirius Mugillanus.
C. Servilius.

Miſunderſtanding of the Generals followed with their defeat, which is retrieved by the Dictator.

The war with the Æqui was in a manner become annual. The people of Lavicum had joined them. The Senate decreed that two of the Conſular Tribunes ſhould march againſt the enemy, and that the third ſhould remain in the city to govern it. Theſe functions were to be decided by lot. None of them were willing to have the latter province, as leaſt honourable; and each believed himſelf the moſt capable of commanding the troops. As none of them would give place to the others, Q. Servilius, father of one of them, roſe up, and ſaid: *Since you have no reſpect either for the Senate or the Commonwealth, paternal authority ſhall put an*

end

end to the diſpute. My ſon, without drawing lots, ſhall take upon him the care of the city. I wiſh that thoſe, who are ſo fond of the command of the army, may act with all the prudence and union neceſſary to its ſucceſs. A. R. 337. Ant. C. 415.

This diſcourſe ſhews how far the power of fathers extended over their children, even when ſupreme magiſtrates, and how much it was reſpected at Rome. It was not thought proper to levy the army out of all the Tribes: ten of them only were drawn by lot, of which the youth were liſted. After which the two Tribunes ſet out.

The miſunderſtanding, which had already began to appear between them in the city, broke out much more in the camp, and always flowed from the ſame principles, the high eſteem that each of them had for his own capacity, and the deſire of commanding alone. They never agreed in opinion, and each inſiſted inflexibly upon his own. Each was for having no counſels followed, and no orders executed, but his own. The only point they did not differ in, was to have a ſupreme contempt for each other. Their diſſenſion ran ſo high, that the Lieutenant Generals were obliged to remonſtrate to them, that affairs could not ſubſiſt upon the preſent foot; and they prevailed upon them to divide their authority, and command each his day alternately.

When this news came to Rome, Servilius, whoſe experience was very great in effect of his years and employments, implored the gods, that they would not ſuffer the diſcord of the Tribunes to prove fatal to the Commonwealth; and foreſeeing, that ſome great calamity was at hand, he preſſed his ſon to make the levies, in order

A. R. 337. Ant. C. 415. der to be ready to take the field on the firſt notice.

He was not miſtaken. Sergius, on one of the days that he commanded, ſeeing the enemy kept cloſe within their intrenchments, believed it was through fear, and advanced to their camp, in hopes of making himſelf maſter of it. He was no ſooner arrived at it, than the enemy marched out of it ſuddenly, attacked the Romans with all their forces, and purſued them into the valley down the aſcent with great ſlaughter. The Romans found it very difficult to defend their camp for that day only: but the next, when they ſaw the Æqui inveſting them on ſeveral ſides, they ſhamefully abandoned it. The Generals, with their Lieutenants, and their beſt troops, who did not quit their enſigns, retired to Tuſculum. The reſt diſperſed themſelves about the country, and by different ways arrived at Rome, where they repreſented the defeat much greater than it really was.

The alarm was the leſs at Rome, as it was in ſome meaſure expected, and becauſe the military Tribune Servilius had prepared new forces. Couriers, who had been diſpatched to inform themſelves of the condition of the army, brought advice, that the Generals and troops were at Tuſculum, and that the enemy ſtill continued in their old camp. But what revived the people's courage moſt, was the nomination of Servilius Priſcus Dictator by order of the Senate. He appointed his ſon, one of the military Tribunes, his General of the horſe, by whom himſelf had been declared Dictator. Others however ſay, that Ahala Servilius was choſen General of the horſe upon this occaſion.

The Dictator ſet out with the new army, and having reinforced it with that at Tuſculum, he

he encamped at two miles from the enemy. A. R. 337. Ant.C. 415. The neglect and inſolence, which had before appeared in the Roman Generals, went over to the Æqui with their good ſucceſs. The Dictator, after having ſent his horſe in the beginning of the battle to charge the enemy's front, which ſoon put them into diſorder, advanced with the Legions; and finding a ſtandard-bearer ſlacken his pace, he killed him with his own hands. The ardour of the Roman troops was ſo great, that the Æqui could not ſuſtain their attack, and fled to their camp, the taking of which coſt ſtill leſs time and trouble than the battle, though very ſhort. The Dictator gave the whole plunder of it to the troops. The horſe, who had purſued the enemy in their flight, having brought back advice, that all the people of Lavicum, and great part of the Æqui, had retired into that city, the army marched thither the next day. The place was taken by aſſault, and plundered by the ſoldiers.

The Dictator marched back his victorious army to Rome, and abdicated his office eight days after he had received it. The Senate, before the Tribunes had time to ſpeak of the diſtribution of the lands, very judiciouſly decreed that a colony ſhould be ſent to (1) Lavicum. Fifteen hundred citizens went thither, to whom two acres a man were given.

A. Menenius Lanatus II. &c. A. R. 338. Ant.C. 414.

A. Sempronius Atratinus III. &c. A. R. 339. Ant.C. 413.

During theſe two years every thing was quiet. Mæcilius and Metilius, two Tribunes of the *Diſputes concerning the diſtribution of lands.*

(1) Lavicum, *or* Labicum, *was a city in the country of the Latines, about fifteen miles from Rome.*

People,

A. R. 339. Ant. C. 413. People, excited ſome commotions by propoſing a law for the diſtribution of the lands belonging to the public: this was the uſual bait with which the moſt ſeditious of the Tribunes lured the People. Whenever they were for diſtreſſing the Senate, and extorting ſome new privilege from them, they never failed to revive this old pretenſion. The Abbé Vertot gives us a very clear account of the grounds and cauſes of theſe diviſions, which recur ſo often in the Roman Hiſtory, and of the unſurmountable difficulties with which a diſtribution of lands was attended: I ſhall do no more than copy him in this place.

Rome, built upon the lands of ſtrangers, and originally dependent upon the city of Alba, had little or no territory, that it had not conquered ſword in hand. The Patricians, and thoſe who had the greateſt ſhare in the government, had taken ſome diſtricts of it into their own hands, ſubject to a certain taxation or *cenſus*, and at a rent; they afterwards appropriated ſuch parts of it as ſuited them beſt to themſelves, and formed them into a kind of patrimony. Long preſcription had covered theſe uſurpations, and made it very difficult to trace the ancient boundaries that ſeparated what belonged to the public, from what had been granted to each particular.

The Tribunes however pretended to diſpoſſeſs the antient proprietors of theſe lands, who had even erected buildings upon them. So odious an enquiry put the principal Houſes of the Commonwealth into a conſternation. The Senate often aſſembled to concert meaſures for rendering ſuch dangerous propoſals abortive. Appius Claudius, though the youngeſt and laſt of the Senators, propoſed advice upon this occaſion, which was not diſagreeable to his order.

He ſaid, " that the means for oppoſing the ty- A. R. 339. Ant. C. 413.
" ranny of the Tribunes was to be ſought on-
" ly amongſt themſelves. That in order to
" this, they had no more to do than to bring
" over only one of thoſe Plebeian Magiſtrates,
" to prevent the bad deſigns of his collegues
" by his oppoſition. That the laſt and leaſt
" popular in that office were the perſons to be
" applied to. That thoſe men who were now
" in the public affairs, and jealous of the au-
" thority, which Mæcilius and Metilius aſſumed,
" would not be inſenſible to the careſſes of the
" Senate; and perhaps would lend them their
" oppoſition, merely for the ſake of appearing
" conſiderable, and of making ſome figure in
" the government."

This advice was unanimouſly approved, and Appius was highly praiſed for not degenerating from the virtue of his anceſtors. Such of the Senators as had any intimacy with the Tribunes of the People, inſinuated themſelves into their confidence, and " repreſented to them the con-
" fuſion into which they would plunge the State
" in general, and every family in particular, if
" an endleſs diſquiſition were to be entered into,
" in order to eſtabliſh which lands were granted
" by Romulus, which were acquired from the
" neighbours during the ſpace of three hundred
" years, and which particulars had appropriated
" in different ages. That the ſcheme of a law
" for eſtabliſhing a perfect equality of fortune
" between all the citizens, would ſubvert the
" ſubordination ſo eſſential in a ſtate; that
" the rich, whether Patricians or Plebeians,
" would not ſuffer themſelves to be deprived
" ſo eaſily of the eſtates they had either inhe-
" rited from their anceſtors, or actually pur-
" chaſed from legal poſſeſſors; and that ſo in-

A. R. 339. Ant.C.413. "jurious an enquiry would infallibly occaſion "a civil war, and perhaps coſt the beſt blood "in the Commonwealth." At length, between entreaties and remonſtrances, they were ſo ſucceſsful as to bring over ſix of the ten Tribunes; and they oppoſed the promulgation of the law.

Mæcilius and his collegue, enraged to ſee themſelves oppoſed at their own tribunal and by their own collegues, treated the ſix as traitors, enemies to the People, and ſlaves to the Senate. But notwithſtanding thoſe injurious appellatives, as the oppoſition of only one Tribune ſufficed for putting a ſtop to the proceedings of the nine others, and ſix oppoſed the paſſing of this law, Mæcilius and his collegue were obliged to deſiſt from their enterprize.

A. R. 340. Ant.C.412. **P. CORNELIUS COSSUS, &c.**

A. R. 341. Ant.C.411. **CN. CORNELIUS COSSUS, &c.**

Poſtumius, one of the Military Tribunes, is ſtoned by the army Puniſhment of that crime. Liv. l. 4. c. 40—51.

M. Poſtumius Regillenſis, one of the Military Tribunes, took a ſmall city called (1) Volæ. That General had a capacity for war, but was cruel, haughty, proud of his birth and dignity, and carried thoſe advantages too far in a commonwealth, where all the citizens pretended to be equals. He had declared in attacking the place that the ſoldiers ſhould have the ſpoils of it; but when it was taken he changed his mind. This breach of his word had given birth to great diſguſt againſt him.

His collegues having ſent for him to the city upon account of commotions excited by the Tribunes of the People, of whom one, called

(1) *Or* Bola, *upon the frontier of the country of the Æqui about ſixteen miles from Rome.*

Sextius,

Sextius, propoſed in his preſence the ſending of a colony to Volæ, adding, that it was but juſt to grant that city and its dependencies to thoſe who had acquired it by their arms; he anſwered brutally, *Wo be to my ſoldiers, if they inſiſt on any ſuch thing.* Thoſe words ſhocked the whole aſſembly exceedingly, and the Senate afterwards, when they were told it. Sextius, who was a man of ſpirit, and did not want eloquence, was very glad to find in the adverſe party a man of a proud heart and a petulant tongue, whom it was eaſy to provoke and enrage into venting violent and raſh expreſſions, capable not only of rendering his perſon odious, but of doing great prejudice to his cauſe and party. Accordingly he attacked him more frequently and with greater warmth than any of the other Military Tribunes. Immediately after his menacing words, which I have juſt mentioned, *Do you hear, Romans,* ſaid Sextius, *the menaces Poſtumius makes his ſoldiers, as if they were ſlaves? However, when the firſt offices of the State are to be diſpoſed of, this wild beaſt is more worthy of them in your judgment, than thoſe who are ſollicitous for ſending you into fertile colonies, for procuring you eaſy eſtabliſhments in your old age, and who every day ſuſtain rude conflicts for you with ſuch proud and inſolent adverſaries. And can you be ſurprized after this, that ſo few take the defence of your intereſts upon themſelves? What reward might they expect for doing ſo? Are they the offices which you chuſe rather to confer upon your adverſaries than defenders? The words you juſt now heard him ſay, made you give a groan. But wherefore thoſe groans? Were you this moment to give your ſuffrages, you would prefer this man, who preſumes to menace you, to* A. R. 341. Ant. C. 411.

A. R. 341. Ant. C. 411. *thoſe who are for procuring lands, dwellings, and eſtabliſhments for you.*

The report of this injurious expreſſion having ſpread in the camp, it occaſioned much greater indignation there. *How!* ſaid the ſoldiers, *not content with depriving us, contrary to his promiſe, of the ſpoils that were our due, does he dare to threaten us alſo?* As the complaints and murmurs roſe high, the Quæſtor Seſtius, to appeaſe the ſedition, believed it neceſſary to employ the ſame violent methods as had given occaſion for them. He ſent a Lictor to ſeize a ſoldier who was exclaiming highly. Immediately a great tumult enſued. The Lictor was repulſed with violence, the Quæſtor himſelf wounded with a ſtone, and told as he withdrew by him that had hurt him in an inſulting manner, that he was only treated as the general threatened to treat the ſoldiers. Poſtumius himſelf upon this news haſtened to the army. A man of his rough and violent character, and hated univerſally by the troops beſides, was a very improper perſon for appeaſing ſuch a commotion. Inſtead of endeavouring to extinguiſh the flame of revolt by wiſe moderation, he augmented it exceedingly by ſevere enquiries, and the cruel puniſhments which he inflicted. It has been ſaid with much reaſon, (*a*) it were to be wiſhed, that the perſons who govern a ſtate reſembled the laws, which never puniſh with paſſion and rage, but ſolely out of juſtice, and for the good of the public. As he ſet no bounds to his fury, and the ſoldiers, whom he had condemned to ſuffer

(*a*) Optandum eſt, ut ii qui præſunt reip. legum ſimiles ſint, quæ ad puniendum non iracundia ſed æquitate ducuntur. *Cic. de Offic. l.* 1. *c.* 89.

an * unheard of puniſhment, raiſed great cries, and made reſiſtance, he deſcended from his tribunal, and thruſt amongſt the croud to prevent their eſcaping him. The Lictors who went before him, clearing the way with violence, the indignation, or rather fury, of the ſoldiers ran ſo high, that the Military Tribune was ſtoned to death by his army. A. R. 341. Ant. C. 411.

The news of ſo criminal a rebellion, and ſo tragical an event, occaſioned great grief at Rome, and extremely embarraſſed both parties. The queſtion was to decree enquiries, and to puniſh the guilty, which would be attended with great difficulties, in effect of the oppoſition of the Tribunes. But firſt the choice of new magiſtrates was neceſſary, and the Senate prevailed, though with difficulty, that Conſuls ſhould be elected.

M. Cornelius Cossus. A. R. 342.
L. Furius Medullinus. Ant. C. 410.

The firſt thing which the Senate did at the beginning of the year, was to paſs a decree, that the Tribunes ſhould lay the affair of the enquiry into the murder of Poſtumius before the People, and that the People ſhould charge whom they thought fit with that commiſſion. That conduct of the Senate was very wiſe, who, in ſeeming to do honour to the People, endeavoured to diſcharge themſelves of a buſineſs odious in itſelf, and at the ſame time very delicate: but they did not ſucceed in it. The Peo-

* *Livy calls it ſo in his firſt book, chap. 51, where he tells us, that Turnus Herdonius was thrown at his length into ſhallow water under an hurdle, and preſſed down with ſtones till he was drowned. So he ſays here,* necari ſub crate juſſerat: *he had condemned them to be drowned under an hurdle.*

A. R. 342. Ant. C. 410. ple referred the cognizance of that affair to the two Conſuls. They terminated it with all poſſible lenity and moderation; contenting themſelves with condemning a ſmall number of the moſt criminal to die, which they prevented by killing themſelves. The People however were not ſatisfied, and complained that a law for puniſhing Plebeians was immediately put in execution, whilſt one that concerned their intereſts was protracted during ſo many years.

Domeſtic broils. In the preſent conjuncture, the diſtribution of the lands of Volæ ſeems to have been highly proper for mollifying the People, and leſſening their deſire of the Agrarian law, that was to diveſt the Patricians of the lands belonging to the commonwealth, which they had unjuſtly uſurped. But no mention was made of it: which gave the Plebeians occaſion to complain, that the nobility not only perſiſted obſtinately in retaining, contrary to all juſtice, the lands of the public which they had engroſſed, but prevented the diſtribution of thoſe lately taken from the enemy, which would alſo ſoon become the prey of a few rapacious and inſatiable perſons.

A. R. 343. Ant. C. 409.

Q. FABIUS AMBUSTUS.
C. FURIUS PACILUS.

Liv. l. 4. c. 52—57. A plague, which gave more alarm than it proved deſtructive, ſuſpended the intrigues of the Tribunes.

A. R. 344. Ant. C. 408.

M. PAPIRIUS ATRATINUS.
C. NAUTIUS RUTILUS.

The famine, which followed the plague, produced the ſame effect.

MAMERCUS

MAMERCUS ÆMILIUS. A. R. 345. Ant. C. 405.
C. VALERIUS POTITUS.

Domeſtic feuds and wars abroad ſucceeded thoſe two ſcourges, the plague and famine. The Æqui and Volſci had already entered the lands of the Latines and Hernici. The Tribune Mænius, who was for paſſing the Agrarian law, ſtrongly oppoſed the levies, which the Conſul Valerius deſired to make: but, upon being abandoned by his collegues, he was obliged to deſiſt. The war was attended with ſucceſs. *A fort, of which the enemy had poſſeſſed themſelves, was re-taken. The Conſul cauſed the ſpoils to be ſold for the public treaſury, and deprived the ſoldiers of them, becauſe they had refuſed to liſt at firſt, which made him very hateful, and highly augmented Mænius's credit. The latter expected, in caſe Military Tribunes were choſen, to ſhare in that nomination, ſo much credit had he acquired with the People. The Senate apprehended it, and cauſed Conſuls to be created.

Wars abroad.

* Carventum.

CN. CORNELIUS COSSUS. A. R. 346. Ant. C. 406.
L. FURIUS MEDULLINUS, II.

The People ſuffered their not having been permitted to elect Military Tribunes with great impatience: but they conſoled and avenged themſelves on that account in the election of Quæſtors. Of the four places, they conferred but one upon the Patricians. This was a great victory for them: not that they reckoned the office of Quæſtor much in itſelf, which indeed was not very conſiderable; but becauſe the gaining of that advantage ſeemed to promiſe them the attainment of more exalted dignities. The Patricians, who judged in the ſame manner

The Plebeians obtain the Quæſtorſhip.

A. R. 346. Ant. C. 406. ner of it, were exceedingly nettled at it, foreſeeing that the People would ſoon divide all honours with them. Their ſole reſource was to prevent their proceeding to the election of Military Tribunes, and to cauſe Conſuls to be choſen, a dignity to which the People had not yet any right.

War with the Æqui and Volſci. The war with the Æqui and Volſci, which broke out again, ſupplied both parties with matter for warm diſputes. The Conſuls demanded earneſtly, that the levies ſhould be made; the Tribunes, that it ſhould be decreed, that Military Tribunes ſhould be choſen at the approaching election. Whilſt both ſides perſiſted obſtinately in their demands, every thing remained in ſuſpence. Amongſt the Tribunes were three named Icilius, of one of the beſt of the Plebeian families, but declared enemies to the Patricians, all men of inflexible conſtancy and reſolution: theſe managed the whole affair. Couriers arrived with advice, that the enemy had re-taken the fortreſs mentioned before, and put the garriſon to the ſword. The Tribunes received this news with great coldneſs, and without ſeeming affected with it, or changing their ſentiments. The Senate, who were not willing to ſuffer every thing to be ruined, were at length obliged to comply. They paſſed a decree for the election of Military Tribunes, but upon two conditions: the one, that none of the Tribunes of the People in office ſhould be choſen; and the other, that none of the ſame Tribunes ſhould be continued. Theſe reſtrictions evidently regarded the Icilii, whom they charged with ſoliciting the Military Tribuneſhip, as the juſt reward of their ſeditious intrigues in the Tribuneſhip of the People. The levies were then made without

without difficulty. The war was ſucceſsful enough, but little conſiderable. A. R. 346. Ant.C. 406.

A more affecting concern engroſſed people's thoughts: this was the election. The principal Plebeians, encouraged by their firſt victory over the Senate, flattered themſelves with carrying a ſecond ſtill more advantageous, in their beginning at length to have a ſhare in the great offices, and they already reckoned more than one Icilius in the number of the Military Tribunes. They were deceived. The People, contrary to the general expectation, nominated none but Patricians Military Tribunes. It is not eaſy to comprehend ſuch a conduct, of which there are no examples but amongſt the Roman People. They are jealous to exceſs of their authority, When regard is had to That, they conſult nothing but the public utility: and are diſarmed by being complied with. The Icilii accuſed the Patricians of having uſed ſtratagem and fraud in this election, by having engaged ſeveral Plebeians, not only without merit, but moſt of them deſpiſed for the meanneſs of their birth and capacity, to ſtand for theſe offices amongſt ſuch as were more worthy of them; which diſguſted the People, and turned the whole in favour of the Patricians. *New troubles in the commonwealth.*

C. Julius, &c. A. R. 347. Ant.C. 405.

The report of a numerous army ſet on foot by the Æqui and Volſci, which was to rendezvous at Antium, alarmed Rome, and occaſioned the Senate to think of creating a Dictator. Two of the Military Tribunes oppoſed it, as injurious to them, pretending that they had ſufficient capacity for conducting and terminating this war ſucceſsfully: theſe were Julius and Cornelius. The diſpute grew hot on both ſides, and

A. R. 347. Ant. C. 405. and was carried ſo far, that the principal Senators, complaining exceſſively that the Military Tribunes refuſed to comply with the authority of the Senate, had recourſe to the Tribunes of the People, as had been done before upon a like occaſion. But the Tribunes of this year acted in a quite different manner; and though they were tranſported to ſee that diſſenſion between the Military Tribunes and the Senate, they anſwered with a bitter kind of raillery, "That it was below the dignity of ſo powerful a Body to implore the aid of wretched Plebeians, whom the nobility ſcarce vouchſafed to conſider in the number of their fellow-citizens. That when the honours and government of the ſtate ſhould become common to both orders, the People ſhould know how to make the authority of the Senate be reſpected, and to act in ſuch manner, that no magiſtracy ſhould preſume to contradict its decrees." Ahala Servilius, the third of the Military Tribunes, ſeeing no end of the diſputes, declared, "That if he had been ſilent ſo long, it was not becauſe he was uncertain how he ought to act on the preſent occaſion. That he knew the intereſts of a good citizen were never ſeparate from thoſe of the public: but that he could have wiſhed his collegues would have ſubmitted of their own accord to the Senate's authority, rather than have ſuffered it to have recourſe to that of the Tribunes of the People. That if affairs would admit, he would ſtill moſt willingly give them time to reflect on their conduct and return to their duty. But as the dangers of the war were too urgent to ſuffer delay, he ſhould prefer the good of the public to the deſire he had of obliging his collegues; and if the Se-

"nate

" nate perſiſted in their reſolution, would de- A. R. 347.
" clare a Dictator the ſame night. That, if Ant. C. 405.
" any one oppoſed the decree of the Senate, he
" ſhould proceed farther, and content himſelf
" with their * authority, though it had not all
" the uſual forms." This diſcourſe was received with the general applauſe of the Senate. He nominated P. Cornelius, one of the Military Tribunes, Dictator, who appointed him general of the horſe. It is probable, that the fear leaſt ſome diviſion ſhould ariſe between generals of equal authority, as had happened ſome years before, induced the Senate to have recourſe now to the Dictatorſhip.

They might eaſily have been without it. The war was neither long, nor attended with any bad events. The enemy were defeated in two very inconſiderable actions, and their country was ravaged. The Dictator having terminated this war with more ſucceſs than glory, returned to Rome, and abdicated his office.

The Military Tribunes proclaimed the aſſemblies, not for creating Conſuls, but Military Tribunes, which much offended the Senate. To prevent the Plebeians from being choſen, they employed a method quite different from that they had taken the year before, but with equal ſucceſs. This was to cauſe the moſt illuſtrious of the Patricians to ſtand for that office. The People, out of regard for their merit and reputation, choſe none but of their order: and elected four this year, who all had filled that office before.

* *The opinion of the Senate, when prevented by different obſtacles from being paſſed into a decree, was however regiſtered amongſt their proceedings, and called* auctoritas.

L. Furius

A. R. 348. Ant. C. 404.

L. Furius Medullinus, &c.

Moderation of Rome in reſpect to the Veientes.

The truce for twenty years with the Veientes being expired, the Romans upon ſome diſcontent received from them, were upon the point of declaring war againſt them. But upon being informed by ambaſſadors from Veii, that diviſions and troubles prevailed between the citizens of that place, at their requeſt they thought fit to ſuſpend the declaration of war; ſo far were they, obſerves Livy, from taking advantage of the misfortunes of others for promoting their own intereſts: *tantùm abfuit ut ex incommodo alieno ſua occaſio peteretur.* A ſentiment of no leſs humanity than greatneſs of ſoul, and quite the reverſe of the uſual policy of Princes, who greedily ſeize theſe occaſions as favourable to their deſigns.

New war with the Volſci.

The Volſci retook a city called Verrugo, and put the Roman garriſon to the ſword. The troops ſent to its aid arrived too late through the fault of the Senate, who did not haſten them, becauſe they received advice that the garriſon made a vigorous defence; not reflecting, that no courage can ſurmount the bounds of human force. The ſlaughter of thoſe brave ſoldiers was not long unrevenged.

A. R. 349. Ant. C. 403.

P. & Cn. Cornelii Cossi, &c.

Three of the Military Tribunes marched againſt the Volſci, each at the head of a diſtinct army. Two of them ruined their country on different ſides. The third, Fabius Ambuſtus, led his troops againſt Anxur, ſince called Terracina, which he beſieged, and took by ſtorm. The ſlaughter at firſt was very great: but ceaſed upon promiſing their lives to ſuch as laid down their arms. Two thouſand five hundred priſoners

ners were taken. As for the reſt of the booty, Fabius would not ſuffer it to be touched till his collegues arrived; repreſenting to his army, that they had contributed to the taking of Anxur, by preventing the other cities, whoſe territories they had ravaged, from ſending it aid. When they arrived, the three armies plundered the city together, which was very opulent. That liberality of the Generals began a reconciliation between the People and the Patricians. A. R. 349. Ant. C. 403.

But what compleated it, was a decree paſſed very ſeaſonably by the Senate, without being ſollicited either by the People or their Tribunes. The ſoldiery had ſerved the State hitherto at their own expence. Every man was obliged to find himſelf ſubſiſtance from his own little inheritance, as well in the field, as during the winter-quarters; and often, when the campaign was of too long continuance, the lands, and eſpecially thoſe of the poor Plebeians, lay uncultivated. From thence aroſe the neceſſity of borrowing, intereſt upon intereſt, and at length the complaints and ſeditions of the People. The Senate, to prevent theſe diſorders, decreed that for the future the ſoldiers, who ſerved in the foot, ſhould be paid by the public. Nothing ever gave the People ſo much joy. They ran in crowds to the Senate. They kiſſed the hands of the Senators as they came out of their houſe, and called them their fathers. They declared, that after ſuch an inſtance of their goodneſs, there was not a ſingle citizen, who to the laſt moment of his life, would not be ready to ſhed the laſt drop of his blood for ſo beneficent a country. The decree in itſelf was highly agreeable to the People, as from thenceforth, whilſt particulars ſerved the public in the field, their eſtates would not be charged with any expence. *The pay of the Roman infantry firſt inſtituted.*

A. R. 349. Ant. C. 403.

pence. But what augmented their joy and gratitude, and gave a new value to this largeſs, was, ſays Livy, its not being extorted either by the complaints of the Tribunes, or ſollicited by the People, but its proceeding purely from the liberality of the Senate, and an entirely voluntary effect of their goodneſs and affection for the citizens.

How much muſt the Senate have been charmed to ſee their decree received with ſuch warm and univerſal applauſe. And indeed can any joy be more pure, more lively, and more affecting for thoſe who govern, if they have any ſenſe of humanity, than to ſee themſelves in a condition to relieve the People, to take off part of the heavy load, which the hard neceſſity of war has reduced them againſt their will to lay upon them, and to hear themſelves called, what they ſhould be by their office, the protectors and fathers of their country? A People, like thoſe whoſe hiſtory we are now writing, ready to ſacrifice themſelves for the ſtate (and as much may be ſaid of the French, devoted as they are by will and affection to the ſervice and perſons of their Kings) do they not deſerve to be treated with indulgence and goodneſs.

Unjuſt murmurs of the Tribunes.

The bad ſpirit of the Tribunes of the People manifeſted itſelf upon this occaſion. They were the only perſons that did not ſhare in the public joy, and made themſelves remarkable for a gloomy and invidious air of diſcontent. They were even ſtudious to poiſon the donation of the Senate in reſpect to the People, by inſinuating "that it was far from being ſo advanta-
"gious as it ſeemed. For, how was the fund
"to be eſtabliſhed for the payment of the ſol-
"diers, except by impoſing a tax upon indi-
"viduals. That the Senate therefore were li-

"beral at the expence of others. That as to A. R. 349. Ant. C. 403.
"the reſt, though others might approve this
"innovation, the old ſoldiers would not con-
"ſent to it, and would never ſuffer that the
"condition of the new ſoldiers ſhould be bet-
"ter than their own had been, and that after
"having ſerved the public at their own expence,
"they would be very unwilling to ſee them-
"ſelves obliged to contribute to the pay of
"others by the tax that was to be impoſed
"upon them." They drew over part of the People into their opinion; and when the new impoſition was publiſhed, they declared that they would take upon themſelves the crime and defence of ſuch as ſhould refuſe to pay it.

The Senators ſet the example of paying the contribution.

The Senators, to ſupport by their wiſe conduct what they had ſo well began, ſet others the example, and were the firſt to pay in their proportion, equitably ſtated according to the value of their eſtates, into the public treaſury. As there was hitherto no coined ſilver, and all the money was of copper, which conſequently muſt have been very heavy, (this is what was called * *æs grave*,) ſome of the Senators ſent in their contribution, which was very conſiderable, in carriages; which attracted the eyes of the public. When they ſaw the Patricians actually contribute, the principal Plebeians, who were moſt of them the friends of the nobility, piqued themſelves upon imitating them; and the populace themſelves, who heard them generally praiſed as good citizens, were for ſharing that glory with them, and eager to pay in the tri-

* *It is very probable that the term* æs grave *did not begin to be uſed, till the coin was diminiſhed, when it was proper to diſtinguiſh the old money from the new, which was become lighter.*

bute,

A. R. 349. Ant.C. 403. bute, without giving themſelves any pain about what the Tribunes might think of their conduct.

Beſides eaſing the People, the Senate, in eſtabliſhing a fund for the payment of the troops, had in view the carrying wars farther, and the power of ſupporting them longer. Before this inſtitution, their wars deſerved rather the name of incurſions, which uſually terminated by a battle. This kind of party-wars did not laſt above twenty or thirty days, and often much leſs, the ſoldiery for want of pay, not being able to keep the field any longer. But, when the Senate ſaw themſelves in a condition to keep a body of regular troops at all times on foot, they formed greater deſigns, and conceived thoughts of beſieging Veii, one of the ſtrongeſt cities of Italy, and which did not give place even to Rome either for the valour or riches of its inhabitants.

War having been declared againſt the Veientes, the new Military Tribunes took the field with an army compoſed chiefly of voluntiers.

A. R. 350. Ant.C. 402. T. QUINTIUS CAPITOLINUS, &c.

Beginning of the ſiege of Veii. The ſiege of Veii began this year.

A. R. 351. Ant.C. 401. C. VALERIUS POTITUS, &c.

Livy mentions ſix Military Tribunes of this year. The ſiege of Veii went on very ſlowly under them, becauſe it was neceſſary to detach part of the Generals and troops againſt the Volſci. They gained two battles againſt them, took one of their cities, called Artena, and entirely demoliſhed it with its citadel.

THE

THE ROMAN HISTORY

BOOK THE SIXTH.

THE ſixth Book contains the ſpace of thirteen years, from the 352d to the 365th year from the foundation of Rome. The principal events are, the taking of Veii after a ſiege of ten years, the baniſhment of Camillus, and the taking of Rome by the Gauls.

SECT. I.

The Military Tribunes change the ſiege of Veii into a blockade, and reſolve to make the army winter there. Complaints of the Tribunes of the People. Appius's fine harangue to refute them. A loſs received before Veii redoubles the valour of the Romans. Admirable generoſity of the Knights, and of the People. Senſible joy of the Senate. Pay for the horſe alſo eſtabliſhed. Complaints of the Tribunes of the People concerning the taxes. Election of the Tribunes of the People attended with ſome difficulty. Trial of two Military Tribunes. They are fined. Reaſons why their puniſhment was ſo ſlight. The Plebeians at length obtain one place amongſt the Military Tribunes.

The Military Tribunes change the ſiege of Veii into a blockade.

WHILST all around them were in peace, the Romans and Veientes, animated by a ſpirit of hatred and revenge, made a violent war againſt each other, which ſeemed incapable of being terminated but with the entire ruin of one of the two ſtates. The Romans elected new * Military Tribunes.

A. R. 352. Ant. C. 400. Liv. l. 5. c. 1—7.

MANIUS ÆMILIUS MAMERCINUS, &c.

The Veientes, who had been governed hitherto by annual magiſtrates, tired with the violent intrigues that were revived every year about the election, choſe themſelves a King. This change diſpleaſed all the other ſtates of Hetruria, leſs on account of the office than perſon of the King, with whom they were much diſſatisfied, and who in his private capacity, had rendered himſelf extremely odious by his haughty behaviour. It was therefore reſolved in the general aſſembly of the nation, that no aid ſhould be given the Veientes as long as they ſhould be governed by a King. Nobody dared carry this news to him who actually reigned at Veii, becauſe it would have coſt ſuch perſon their life.

Veii was an opulent city, extremely populous, and very ſtrong by ſituation.

The Romans, who had no hopes of taking a city by aſſault that was fortified with good works, determined to ſtarve it by a blockade. They therefore threw up lines of circumvallation and contravallation, to ſecure themſelves againſt the ſallies of the beſieged, as well as

* *Livy mentions eight of them: but Sigonius and Pighius evidently prove, that there were but ſix, and that Camillus and Poſtumius Albinus were not Military Tribunes, but Cenſors, this year.*

againſt

againſt the attacks of the enemy from the country, and to prevent them from throwing ſuccours of troops or proviſions into the place. For this purpoſe it was neceſſary to reſolve to paſs the whole winter in the lines, and to erect barracks againſt the rigour of the ſeaſon, a thing unheard of till then, and abſolutely unknown to the Romans. A. R. 352. Ant. C. 400.

When the Tribunes of the People, who had found no occaſion for ſtirring for ſome years, had received this news, they immediately repaired to the aſſembly, and endeavoured in concert to exaſperate the People by ſeditious diſcourſes. They repreſented to them, "That "this was the end intended by the pay granted "to the ſoldiers. That they had not been de- "ceived when they apprized the People, that "this largeſs concealed a ſecret poiſon. That "they had ſold their liberty for it. That the "youth were removed, and baniſhed from the "city and the public affairs for good and all. "That without regard to the rigours of the "ſeaſon they were kept during the whole win- "ter in the open field, and not permitted to "viſit their houſes and lands. And what rea- "ſon did they believe there could be for con- "tinuing their ſervice in this manner, if it "were not to prevent the youth, in whom the "whole ſtrength of the People conſiſted, from "doing any thing in the aſſemblies for their "common intereſts. That they were much "more diſtreſſed, and had much greater evils "to ſuffer than the Veientes. That the latter, "who defended their city within good walls, "and its natural entirely advantagious ſituation, "paſſed the winter in their houſes: whereas "the Roman ſoldiers, always employed in "works and fatigues, and expoſed to the froſt *Complaints of the Tribunes of the People.*

A. R. 352. Ant. C. 400. "and ſnow, had no houſes but tents, without "quitting their arms even during the winter, "which in all countries ſuſpends military ex- "peditions by ſea and land. That neither the "Kings, the haughty Conſuls before the inſti- "tution of the Tribunitian authority, the Dic- "tators armed with their terrible unlimited "power, nor the cruel Decemvirs, had impo- "ſed ſo ſevere a yoke upon the Roman youth, "as forcing them to ſerve during the whole "year, nor exerciſed ſo tyrannical power over "them, as did now the Military Tribunes. "What then would they do if they were really "Conſuls or Dictators, as having only the "image and reſemblance of the Conſular dig- "nity, they lorded it with ſuch abſolute ſway "and rigour? But that, after all, ſuch treat- "ment ought not to be complained of. That "of eight Military Tribunes not one was a "Plebeian. That formerly the Patricians did "not carry their point to fill up three of thoſe "places without great ſtruggle and difficulty. "That now eight were ſeen to ſet out in a bo- "dy without a ſingle Plebeian of their num- "ber, who, if he could do nothing elſe, might "at leaſt put his collegues in mind, that the "ſoldiers were not ſlaves, but freemen and ci- "tizens, that it would be no more than juſt "to ſend them home to their houſes during the "winter; in order that in ſome part of the "year they might ſee their fathers, wives, and "children; uſe their liberty and ſuffrages, and "have a ſhare in the election of the magi- "ſtrates."

Fine harangue of Appius to refute the Tribunes.

The Tribunes, who held diſcourſes ſo proper for enflaming the populace, found an adverſary in the perſon of Appius highly capable of making head againſt them. He was one of the

Military Tribunes this year, and the only one whom his collegues had left at Rome to oppoſe the ſeditious attempts of the Tribunes of the People in their abſence. He now aſcended the Tribunal for harangues, and ſpoke to the following effect. A. R. 352. Ant. C. 400.

Romans, if ever the motive that induces your Tribunes to excite ſeditions continually in the commonwealth, were dubious, that is, whether it be your intereſt or theirs that actuates them, I am convinced there will now no longer remain any uncertainty upon that head. They were never known to be ſo ſenſibly afflicted about any injuſtice which they conceived done to you, as they have been by the liberality of the Senate in reſpect to the ſoldiers, when it decreed that they ſhould have pay for the future. What is there in that new inſtitution, that could alarm them ſo much, if it were not the union of the two orders of the ſtate, which they extremely dread as oppoſite to their ſeditious views? On the contrary, ought they not, if they had, I do not ſay any love for the public good, but the leaſt ſenſe of humanity remaining, to uſe their utmoſt endeavours to preſerve and ſtrengthen that reciprocal union and good underſtanding, which, if firm and permanent, would aſſuredly ſoon render the Roman People more powerful than any of their neighbours.

I ſhall ſhew in the ſequel of my diſcourſe, how much the reſolution of my collegues, not to draw off the troops from before Veii, till that city is taken, is not only uſeful but neceſſary: at preſent I ſpeak only of what regards the intereſt and condition of the ſoldiers. I am aſſured, that if I ſpoke in the camp, and they were my hearers and judges, they would univerſally applaud my diſcourſe. And indeed how could they take it amiſs, as a new advantage has been granted them, that an augmen-

A. R. 352. Ant. C. 400. *tation of their ſervice ſhould be required? Pains* (a) *are never without reward, nor rewards commonly without pains. Labour and pleaſure, though very different in their nature, are united with each other in a kind of natural tie and ſociety. If their country were to come to an account with the troops, might it not ſay with reaſon; You are paid for the whole year, why then don't you ſerve the whole year?*

It is with pain, Romans, that I uſe ſuch language: a language thoſe ſhould employ who are ſerved by mercenary ſoldiers. But as for us, we would gladly act with you as fellow-citizens, and deſire that you ſhould act with us as with your country. Either we ought not to have undertaken this war, or we ought to ſupport it in a manner worthy of the Roman People; and terminate it aſſoon as poſſible. Now the means to terminate it, is to preſs the beſieged vigorouſly, and not to quit the ſiege, till we have taken the city.

Though we had no other motive for perſevering conſtantly in our enterprize, the unworthy manner in which the Veientes have acted in reſpect to us ought of itſelf to induce us to it. Seven times they have renewed the war. They never kept their faith during peace. They have ravaged our country a thouſand times. They have made the Fidenates revolt againſt us. They have butchered the colony we had amongſt thoſe People. It was they who, contrary to the law of nations, cauſed our ambaſſadors to be aſſaſſinated. They have endeavoured to arm all Hetruria againſt us, and ſtill endeavour to do ſo. They wanted little of attacking the ambaſſadors we ſent to make our complaints,

(a) Nuſquam nec opera ſine emolumento, nec emolumentum fermè ſine impenſâ opera eſt. Labor voluptaſque, diſſimillima naturâ, ſocietate quadam inter ſe naturali ſunt juncta. *Liv.*

and

and demand ſatisfaction. And are we then to act gently with ſuch enemies? A. R. 352. Ant. C. 400.

But other motives ſtill more powerful ought to weigh with us. The conſiderable works that we have made around their city, keep the enemy ſhut up within their walls. Their lands are either not cultivated, or we have ruined thoſe that were. If we draw off our army, who doubts, that not only the deſire of revenge, but neceſſity, will oblige them to make incurſions, and to plunder our country, as their own affords them nothing. We do not then remove the war in following the counſels the Tribunes give you, but draw it into our own country.

To proceed to what regards the ſoldiers in particular, for whom the ſame good Tribunes, after having been willing to deprive them of pay, are now all on a ſudden ſo exceſſively concerned, let us conſider what great advantages they are for procuring them. Theſe ſoldiers have thrown up works, and ran foſsés quite round the place, things of very great labour. They have fortified them with redoubts, at firſt in no great number, to which others have ſince been added in proportion as the number of the troops increaſed. They have erected forts, not only againſt the city, but againſt Hetruria, to prevent the aids which might be ſent from thence. I do not mention all the machines neceſſary in attacking places. After having paſſed through ſo many labours, and brought our works to perfection, do you believe it proper to abandon them, in order to begin them anew at the opening of the next campaign? Is it not much more eaſy and more ſecure to preſerve them, and to preſs the ſiege, which certainly cannot be of any great length, if we ourſelves do not fruſtrate our hopes by our delays and remiſſneſs?

But, beſides the loſs of time, we incur ſtill a much greater danger. You are not ignorant that

A. R. 352. Ant. C. 400.

the ſtates of Hetruria hold frequent aſſemblies to deliberate upon ſending aid to Veii. The Hetrurians at preſent are highly incenſed againſt the Veientes, they hate them, they refuſe to aſſiſt them, and, as far as in them lies, leave us at liberty to take Veii. Who can be aſſured, that they will always continue in the ſame mind, if the war be continued much longer? eſpecially as, if we give the beſieged any relaxation, they will be in a condition to ſend more frequent and more conſiderable embaſſies into Hetruria. Beſides which, the circumſtance which now diſguſts the Hetrurians, that is, the creation of a King at Veii, may change in an inſtant, either by the general conſent of the city to reconcile that People, or the voluntary abdication of the King himſelf, who may not be willing that his ſovereignty ſhould be an obſtacle to the ſafety of his country.

Though the continuance of the ſiege were not eſſential to the ſucceſs of the preſent war, it would be of the higheſt importance in reſpect to military diſcipline to accuſtom our ſoldiers, not only to enjoy the victories they acquire, but when war is ſpun out to any length, to wait the iſſue of it with conſtancy to the end, without ſuffering themſelves to be overcome by the tediouſneſs of delay; to continue it during the winter, if it cannot be terminated ſooner; and not to turn their eyes and deſires towards their houſes, aſſoon as autumn comes on, like thoſe birds that diſappear with the ſummer. (a) And, I beg you, ſhall the eagerneſs and pleaſure of hunting draw men into foreſts, and over mountains through froſts and ſnows? and ſhall we not ſhew the ſame patience in war for the neceſſi-

(a) Obſecro vos, venandi ſtudium ac voluptas homines per nives ac pruinas in montes ſylvaſque rapit: belli neceſſitatibus eam patientiam non adhibebimus, quam vel luſus ac voluptas elicere ſolet? *Liv.*

ties

ties of the ſtate that we chuſe to practiſe for our ſport and paſtime? Do we believe our ſoldiers ſo ſoft and effeminate, both in reſpect to their bodies and courage, that they can prevail upon themſelves neither to continue ſome time from their houſes, nor to paſs a winter in the camp? They would bluſh no doubt to hear ſuch diſcourſe of them; and would anſwer with indignation, that they are no leſs ready to make war in winter than ſummer; that they have not commiſſioned the Tribunes to declare themſelves advocates of cowardice and effeminacy in their names; and that they have not forgot it was not in the ſhade and under their roofs, but in the open field, that their anceſtors eſtabliſhed the Tribunitian power. A. R. 352, Ant. C. 400.

Theſe are ſentiments worthy of our ſoldiers, worthy of the Roman name: not to conſider only the ſiege of Veii, nor the war which we are actually making, but to carry their views farther, and to regard in the preſent juncture the eſtabliſhment of their reputation for other wars and other enemies. Do you think, that what is now to paſs at Veii, will not fix in the minds of the neighbouring people the idea they will believe they ought to form of you; and that it is a matter of indifference whether thoſe people perſuade themſelves, that, if they ſuſtain the firſt ardor and vivacity of the Romans, which are of no long duration, there is nothing farther to apprehend from them: or on the contrary, that you ſo eſtabliſh the terror of your name amongſt them, that they are aſſured neither the tediouſneſs of a long attack, nor the rigours of the winter, are capable of making a Roman army quit a ſiege they have once undertaken; that the Romans know no end of war but victory, and that they value themſelves as much upon their perſeverance, as impetuoſity, in their attacks?

Can

A. R. 352. Ant. C. 400.

Can any thing more grateful happen to the Veientes, than to ſee Rome firſt, and then the camp, torn in pieces by diviſions? As for them, they do not act in this manner. In the midſt of the horrors of war, and the inconveniences of a long ſiege, all is quiet at Veii. The new inſtitution of a King excites neither murmur nor ſedition. The refuſal of aid from Hetruria has made no change in their diſpoſition, and does not exaſperate them againſt the King, who alone is the cauſe of it. Whence think you ariſes this great tranquillity? It is becauſe whoever ſhould dare to excite any trouble, would be immediately put to death; and they do not hold ſuch diſcourſes there with impunity, as they do here.

For, to your ſhame it muſt be confeſſed, that the charms of the Tribunitian power have ſo blinded and bewitched you, that under the name and protection of the Tribunes, the greateſt crimes find entire impunity with you. It only remains for them to carry the ſame ſpirit of revolt into the camp, which they are continually fomenting in your aſſemblies; to corrupt the armies by their ſeditious harangues, as they are inceſſantly labouring to ſeduce the People here; and to teach the ſoldiers to obey neither their generals nor officers: liberty now at length being made to conſiſt in regarding neither the Senate, the magiſtrates, the laws and cuſtoms of our anceſtors, nor any of the regulations ſo wiſely eſtabliſhed amongſt us for ſupporting military diſcipline in all its vigour.

A loſs at Veii redoubles the ardour of the Romans.

Appius oppoſing the declamations of the Tribunes with a ſolid eloquence, founded on ſtrength of reaſons, was thus diſputing empire with them over the minds of the People, when the news of a conſiderable loſs, received by the Romans at Veii, (who would believe it?) gave him the ſuperiority to the Tribunes, and inſpired both orders

orders of the ſtate with new ardour for continuing the ſiege with more vigour than ever. The machines had been advanced very near the walls. But as the Romans were more intent on carrying on their works in the day, than guarding them in the night, the beſieged, when leaſt expected, ſallied in great numbers out of the city with lighted torches in their hands, ſet fire to the machines which had coſt infinite time and trouble, and the flames conſumed them in an inſtant. Many ſoldiers, who endeavoured to prevent it in vain, loſt their lives either by the ſword or the fire. A. R. 352. Ant. C. 400.

When this news was brought to Rome, the whole city was much afflicted, and the Senators apprehended, that the Tribunes, imputing this loſs to their counſels, might take occaſion from it to inſult them as well as the commonwealth, and that it would be impoſſible to put a ſtop to the ſedition either in the city or in the camp. Directly the contrary happened.

Admirable generoſity of the Horſe, and of the People.

The cavalry of the Roman armies had hitherto conſiſted only of the Roman Knights, whom the public furniſhed with horſes. On the preſent occaſion, the citizens, who had the income neceſſary for being admitted into that order, and to whom the Cenſors had not aſſigned horſes kept at the public expence, after having concerted together, repaired to the Senate, where having obtained audience, they declared that they were ready to ſupply themſelves with horſes, in order to be in a condition to ſerve the commonwealth. The Senate received ſo generous an offer with great marks of gratitude, and the report of it ſpread immediately throughout the whole city. The Plebeians, fired with a noble jealouſy, preſented themſelves alſo before the Senate in their turn, and ſaid, that to ſuſtain

A. R. 352. Ant. C. 400.

tain the honour of the Infantry, they were come to offer their ſervice out of their turn, ready to march wherever it ſhould be deemed neceſſary; and that if they were led to Veii, they engaged beforehand not to return from thence till that city was taken.

Senſible joy of the Senate.

It was not poſſible for the Senate to ſet any bounds to the joy with which they were ſeized, and in a manner tranſported, at this inſtant. They did not content themſelves, as they had done in reſpect to the Knights, with appointing one of the magiſtrates to return their thanks, or with cauſing ſome of the Plebeians to be brought in to hear their anſwer. The Senators, quitting their houſes in a body, and turning towards the People who were aſſembled in the Forum, from the aſcent where they were, expreſſed both by their voices and geſtures all they thought and all they felt. They cried out, that by ſuch an unanimity and concord, Rome would be happy, invincible, and eternal. They gave the horſe and foot the higheſt praiſes. They conſidered that day as the moſt fortunate and moſt glorious of the commonwealth. They owned that the Senate was overcome in generoſity. Tears of joy were ſeen to flow on both ſides, and nothing was heard but congratulations and thanks. The Senators having been recalled into the Senate, a decree was paſſed, by which the Military Tribunes were directed to call an aſſembly of the People, to thank the horſe and foot in the name of the public, and to aſſure them, that the Senate would ever bear in mind their good-will and zeal for their country. By the ſame decree it was alſo ordained, that thoſe voluntary ſoldiers ſhould be allowed the years of ſervice, as if they had actually been levied in form.

A cer-

A certain pay was alſo inſtituted for the horſe, as had before been done for the foot. Livy does not mention here the amount of that pay. He ſays elſewhere, that it was thrice as much as that of the foot. According to Polybius, the pay of the foot was two *oboli* a day; (ſomething more than three ſols French, or three half-pence Engliſh) and that of the horſe ſix *oboli*, which is thrice as much, (ten ſols). Proviſions were very cheap in thoſe days. The buſhel of wheat was uſually ſold for no more than four *oboli* (ſix ſols and an half) and the buſhel of barley for half that price. A buſhel of wheat would ſubſiſt a ſoldier eight days. This is the firſt time that the cavalry furniſhed themſelves with horſes.

A. R. 352. Ant. C. 400. *Pay inſtituted for the horſe.* L. 5. c. 12. Lib. 6. p. 484. Id. l. 2. p. 103.

The new army of voluntiers being arrived at Veii, did not only re-inſtate the works which had been ruined, but added new ones to them. More care than ever was taken to ſend proviſions in abundance from the city to the camp, in order that ſo courageous and well-diſpoſed an army might want for nothing.

Military Tribunes were elected for the following year.

C. SERVILIUS AHALA, III. &c.

A. R. 353. Ant. C. 399.

The Volſci make themſelves maſters of Anxur by treachery, where the Romans had a garriſon.

Diviſion between two Military Tribunes occaſions a ſecond defeat at Veii.

The diſcord between the two generals who commanded before Veii, occaſioned a defeat there. The * Fidenates and Faliſci, two people of Hetruria, apprehending that the Roman armies would fall upon them after the taking of Veii, to which they were near neighbours, uni-

* *Livy ſays the Capenates: the Fidenates were Sabines.*

ted

A. R. 353. Ant. C. 399. ted their forces, and attacked the Roman lines at the part where Manius Sergius, one of the Military Tribunes, commanded. The report which ſpread, that all Hetruria was advancing to the aid of Veii, terrified the troops of Sergius, and at the ſame time encouraged the beſieged to make a vigorous ſally. The only reſource was for the troops of the great camp, which was not very remote, to come and ſuſtain Sergius. Virginius, who commanded there, was his declared enemy. He was informed of the attack and danger; but he kept in his camp, ſaying, that if his collegue ſtood in need of his ſervice, he would let him know it. Sergius, imagining it diſhonourable to demand aid of a man with whom he was entirely at variance, choſe rather to ſuffer himſelf to be defeated by the enemy, than to be obliged to his collegue for victory. His troops, after having ſuffered exceedingly, abandoned their lines. Some retired into the great camp: but the greateſt part of them, with Sergius at their head, marched directly to Rome.

They are obliged to abdicate their office.

As he laid the whole blame upon his collegue, Virginius was ſent for, and the command given to their lieutenants during their abſence. The affair was examined in the Senate. The two Military Tribunes were leſs intent upon defending themſelves, than accuſing each other, and they did not ſpare reproaches and inſults on either ſide. The Senate ſcarce acted more reaſonably. Very few of them, in the enquiry into this affair, judged with a view to equity and the good of the public: friendſhip and favour determined the ſuffrages of the majority. The elder and principal Senators perceiving this diſpoſition, referred to a farther time a fuller examination whether ſo ſhameful a defeat had happened

happened through the fault of the generals, or the common enough misfortune of war. They believed it neceſſary to proceed directly to the remedy, and not to wait the time fixed for the election, but to nominate new Military Tribunes immediately, who ſhould enter upon office on the calends of October, that is to ſay, the firſt day of that month. This opinion was generally approved, without being complained of by the other Military Tribunes. Sergius and Virginius, who had given occaſion for it, were the only perſons who oppoſed the decree of the Senate. They proteſted, that they would not quit their office before the ides of December, which was the uſual day for the election of new magiſtrates. A. R. 353. Ant. C. 399.

During theſe diſputes, the Tribunes of the People, intent upon all occaſions for adding weight to their authority, roſe up with warmth, and in an haughty imperious tone menaced the Military Tribunes to commit them to priſon if they did not obey the orders of the Senate. Servilius Ahala, one of the Military Tribunes, addreſſing himſelf upon that to the Tribunes of the People, *If it were a proper time*, ſaid he to them, *I would ſhew you how little right you have to make us ſuch menaces, and how little we fear them. But the queſtion is now, to cauſe the decree of the Senate to be put in execution. Therefore as to you, Tribunes of the People, do you ceaſe to take an advantage of our diſputes for exciting broils and extending your power. And as to our two collegues, they ſhall either comply willingly with what the Senate ordains, or if they perſiſt in refuſing to obey, I ſhall immediately declare a Dictator, who will know how to oblige them to quit their office.* This diſcourſe was applauded by the whole aſſembly, the Senators being exceedingly pleaſed,

A. R. 353. Ant. C. 399. pleaſed, that a more certain and conſiſtent method was found out for overcoming the obſtinacy of the refractory, than having recourſe to the threats of the Tribunes. And accordingly they ſubmitted to the unanimous authority of the Senate, and new Military Tribunes were elected to enter upon office on the calends of October.

A. R. 354. Ant. C. 398.

L. VALERIUS POTITUS IV. M. FURIUS CAMILLUS II. &c.

Complaints of the Tribunes concerning the impoſitions.

There were abundance of affairs and wars during the adminiſtration of theſe Military Tribunes. Their firſt care was to make the levies, in which they included not only the youth, who were not yet of the age preſcribed by the laws, but even the old men, both of whom they obliged to take arms for the guard of the city. The more the number of the ſoldiers was augmented, the more money was neceſſary for their pay; and that money was raiſed upon the citizens, who remained at Rome. Theſe impoſitions, from which the old men, who had been liſted, were not exempt, becauſe they did not quit the city, excited complaints amongſt the People; and the more, becauſe the Tribunes were inceſſantly animating them by ſeditious harangues, and repreſenting to them, "that the "Patricians ſeemed ſolely intent upon depreſſing the citizens; part of them by the ſad "neceſſity of bearing arms, and the reſt, by "impoſitions, which they were not able to "ſupport. That they no longer made any "difference between winter and ſummer. That "wars were expreſsly multiplied, for occaſions "to diſtreſs the People. That only one of "them had already continued during five years; "and

" and that the Generals induſtriouſly ſucceeded " amiſs, in order to protract it the longer. That " in reſpect to the old men, who had brought " back nothing from the wars but bodies weak- " ened and worn out by fatigues, wounds, and " years, and who at their return had found " their lands almoſt uncultivated through the " long abſence of their owners, they had the " cruelty to exact from them, notwithſtanding " the bad condition of their affairs, taxes and " contributions, and to oblige them to return " the commonwealth double the pay they had " received from it, and that too with intereſt." A. R. 354. Ant. C. 398.

It is eaſy to judge how capable ſuch diſcourſes were of irritating a People already too much inclined of themſelves to complain and murmur. It was in this, as we have ſeen hitherto, that the great employment and ability of theſe Plebeian magiſtrates conſiſted, which often formed their whole merit.

Election of the Tribunes of the People attended with ſome difficulty.

During theſe troubles, the time for electing new Tribunes of the People arrived. Their number could not be filled up. The Patricians uſed ſome endeavours to get themſelves adopted by thoſe who had been choſen, and to fill up the vacant places. Not being able to obtain That, they found means to cauſe two Plebeians devoted to them to be adopted, being well pleaſed to infringe the law *Trebonia*, which on a like conjuncture, as has been obſerved in its place, ordained, that the People for the future ſhould elect their Tribunes, and elect all of them together.

Two Military Tribunes proſecuted, and condemned in a fine.

Amongſt thoſe who had been choſen was one Trebonius, who believed it his duty to his name and family, to take upon him the defence of a law, inſtituted by one of his anceſtors. He therefore complained to the People againſt his

A. R. 354. Ant. C. 398.

own collegues, to whoſe weakneſs and indolence he aſcribed the violation of that law. Three of them, who apprehended the People's reſentment, in order to make a diverſion and conciliate their favour, cited Sergius and Virginius, who had been Military Tribunes the year before, to take their trial before them. They ſaid, "that to ſuch, as ſuffered the levies, taxes, "and prolongation of the war with pain, who "lamented the deaths of their children, bro- "thers, kinſmen, and friends, that periſhed "miſerably that fatal day at Veii, they offered "a fair occaſion to avenge themſelves, and the "public, upon the heads of two perſons equal- "ly criminal and reſponſible for all the miſ- "fortunes which had happened. That their "own confeſſion, the evidence of their col- "legues, and the decree of the Senate who "had obliged them to abdicate their office, "were proofs to which there could be nothing "to reply. That they might remember that "fatal day, when they ſaw the ſad remains of "the ſoldiers defeated at Veii, return to Rome "ſtill trembling with their fears, and covered "with wounds, accuſing neither fortune, nor "any of the Gods, but their generals as the "ſole authors of their defeat. That they were "aſſured, there was not a ſingle perſon in the "aſſembly, who did not at that time pronounce "a thouſand curſes againſt the perſons, for- "tunes, and lives of Virginius and Sergius. "That after having devoted them in that man- "ner to the anger of the Gods, it would ill "become the People not to exert their power "againſt them, when they both could and "ought. That the Gods did not puniſh cri- "minals themſelves, but were contented with "arming in ſome manner the hands of thoſe

"they

"they had injured, in ſupplying them with "the occaſion of avenging themſelves." The people, irritated by theſe diſcourſes, condemned the two criminals in a fine. A. R. 354. Ant. C. 398.

This was a very ſlight puniſhment for a prevarication, or rather a treaſon, ſo criminal and evident. For they could not deny, the one, that he would not have recourſe to his collegue, when he ſaw himſelf in extreme danger; and the other, that when he was informed of his collegue's danger, that he would not move to his aid. So criminal a diſpoſition, which directly attacks the ſtate, which for a private pique makes perſons forget all that they owe their country, and which reckons the deaths of a conſiderable number of brave ſoldiers as nothing, ſeems to have required, that an exemplary and moſt diſtinguiſhed puniſhment ſhould have been made of it, to prevent the ſad effects of this kind of jealouſy and diſſenſion, too common amongſt Generals who ſerve together. *Reaſons for ſo ſlight a puniſhment.*

But it was one of the maxims of the Roman policy, not to treat Generals who had been unſucceſsful in war with exceſſive ſeverity. The Roman people, generally ſpeaking, were very moderate in the puniſhment of criminals. Livy makes this remark, where he ſpeaks of the execution of Mettius Fuffetius, who was drawn aſunder by four horſes; and he ſays (*a*) That was the firſt and laſt example of a puniſhment amongſt the Romans, in which the laws of humanity ſeem to have been forgot; but that in

(*a*) Primum ultimumque illud ſupplicium apud Romanos exempli parum memoris legum humanarum fuit. In aliis gloriari licet nulli gentium mitiores placuiſſe pœnas. *Liv.* 1. *c.* 28.

A. R. 354. Ant. C. 398. other inſtances, no people could boaſt of having been ſatisfied with lighter inflictions upon its citizens guilty of crimes. They were uſually puniſhed by gentle fines or baniſhment; and during a long ſeries of years we ſee very few of them condemned to die. The Romans in reſpect to their Generals had a particular reaſon for acting with great lenity. Beſides that the faults of a perſon charged with the command, fell indirectly upon the people who had elected him, they knew the multiplicity of cares, pains, and diſquiets, that attend the command of an army; and they would not add new ones to them, in leaving the General the fear of ſeeing himſelf condemned to a ſhameful puniſhment, if he had the misfortune to ſucceed ill in a campaign; nor diſguſt thoſe to whom they confided the command of their armies, by ſuch an example. Every body knows in what manner Varro was received after the loſs of the battle of Cannæ.

In the wars which were made this year on different ſides, no conſiderable events happened. The Tribunes of the People were very buſy at this time, in propoſing the Agrarian law, and in oppoſing the payment of taxations, though abſolutely neceſſary for the ſubſiſtence of the armies. A conſiderable victory, which they gained in the election of Military Tribunes, amongſt whom a Plebeian was at length choſen, induced them to deſiſt from their purſuits, and to ſuffer the taxes to be raiſed.

A Plebeian is at length elected Military Tribune.

P. LICINIUS CALVUS, &c.

A. R. 355. Ant. C. 397. Liv 5. 12—14. The Plebeian admitted amongſt the Military Tribunes was ſo called. Livy ſays, that he was an ancient Senator. It does not appear hitherto,

(1) that

(1) that any Plebeian had ſate in the Senate, and that hiſtorian no where mentions that there had. It is therefore very probable, that ſome error may have here crept into the text. Perizonius, a learned and judicious writer of diſſertations, tells us, that the Military Tribunes of this year were all Plebeians except one; and Livy himſelf ſupplies him with the proof of it, in nominating Tribunes of the People of all the families here in queſtion. The reader will diſpence with my entering into diſcuſſions of this kind.

A. R. 355. Ant. C. 397.

Periz. An. Hiſt. c. 8.

The next election were all Plebeians, except one.

(1) *Some writers ſay, that the conſiderable Plebeians had been admitted into the Senate from the* 263d *Year of Rome.*

SECT. II.

Inſtitution of the Lectiſternium *for making the plague ceaſe. A ſudden increaſe of the waters of the Alban Lake gives occaſion for ſending to Delphi. Anſwer of that oracle. Licinius refuſes the office of Military Tribune, and cauſes the election to fall upon his ſon. Camillus is declared Dictator. He re-inſtates affairs at Veii. When he is upon the point of taking that city, he conſults the Senate about the ſpoils. The city is taken by the means of a mine. Fine ſaying of Camillus. Extraordinary joy of Rome. Triumph of Camillus. The tenth of the ſpoils conſecrated to Apollo. The People demand to remove to Veii. New difficulty concerning the extent to be given the vow of the tenth. The Roman Ladies diveſt themſelves of their jewels to ſupply the quantity of gold neceſſary for the preſent to Apollo. They are advantageouſly rewarded.*

A. R. 356. Ant. C. 396.

M. VETURIUS, &c.

Inſtitution of the Lectiſternium *for making the plague ceaſe.*

A Great plague that broke out this year at Rome, occaſioned the inſtitution of a new religious ceremony, called *Lectiſternium*. That word is derived from *lectos ſternere*, to prepare beds. The cuſtom at Rome, in times of great danger, or great ſucceſs, was to decree ſolemn feaſts to the Gods in order to implore their aid, or to render them public thanks for the protection received from them. Officers called *Triumviri*, and in proceſs of time, when their number was augmented to ſeven, *Septemviri epulones*, much conſidered at Rome, preſided in theſe feaſts. According to the cuſtom of thoſe times, they prepared in the temples round the tables, beds

beds covered with magnificent carpets, cuſhions, and ſeats. The ſtatues of the Gods and Goddeſſes, invited to the feaſt ſerved upon the table, were placed on them, and they were deemed to be preſent at and partake of it. (*a*) Valerius Maximus informs us, that they vouchſafed to conform to human cuſtoms, and that in this ceremony Jupiter lay at length upon a bed, and Juno and Minerva ſate on ſeats. A. R. 356. Ant.C. 396.

In this manner this feaſt was celebrated on the preſent occaſion in the name of the public, which is the firſt time the *Lectiſternium* is mentioned. Private perſons did the ſame during the eight days of the ſolemnity, and mutually entertained each other at their tables. The whole city kept open houſe, and tables were ſpread, and feaſts celebrated, at which every thing was in common, and every body known and unknown equally welcome. Quarrels and proceedings at law were ſuſpended, and priſoners had their chains taken off during the whole time of the feaſt. It was afterwards made a ſcruple of conſcience to put on the chains again of thoſe whom the Gods had delivered from them. It is remarkable that the Pagans themſelves did not believe their feſtivals duly celebrated, if they retained hatred and enmity in their hearts.

Whilſt this ceremony was celebrated at Rome, the Capenates and Faliſci ſuddenly attacked the lines before Veii, as they had done ſome years before; but with very different ſucceſs. The ſtill recent condemnation of Sergius and Virginius produced its effect. Troops were immedi- *Attack of the enemy ſucceſsfully repulſed.*

(*a*) Fœmina cum viris cubantibus ſedentes cœnitabant: quæ conſuetudo ex hominum convictu ad divina penetravit. Nam Jovis epulo, ipſe in lectulum, Juno & Minerva in ſellas, ad cœnam invitantur. *Val. Max. l.* 1. *c* 2.

A. R. 356. Ant. C. 396.

ately diſpatched from the great camp to defend the lines. The enemy were repulſed with conſiderable loſs, as well as the beſieged who had made a ſally, and were vigorouſly purſued even into the city.

Scruples of religion in reſpect to the election of magiſtrates.

The *Comitia* for the election of magiſtrates approached, and gave the Senators no leſs diſquiet than the ſiege of Veii. They ſaw with grief, that in the laſt election the firſt dignity of the ſtate had not only been communicated to the People, but almoſt entirely taken away from the nobility. They conſidered, or were for having others conſider, the plague and the other evils that had afflicted Rome, as marks of the anger of the Gods againſt the Romans on account of that innovation in the offices, wherein no regard had been had to the noble families, who alone had the direction of the auſpices, and ſacred things. Now the right of auſpices being attached to the ſupreme magiſtracy, they ſtrongly repreſented religion as concerned in the injury done the nobility. To avoid this inconvenience in the approaching election, they engaged all the moſt conſiderable Patricians to offer themſelves as candidates. This double method took effect. The People, out of reſpect for thoſe great perſons, and through (*a*) the ſcruples of conſcience that had been inculcated into them in reſpect to religion, of which they were very ſuſceptible, nominated none but Patricians, all of great reputation and peculiar merit.

(*a*) Ut ſunt mobiles ad ſuperſtitionem perculſæ ſemel mentes. *Tacit. Annal. l.* 28.

L. VALE-

L. VALERIUS POTITUS V. A. R. 357. Ant. C. 395.
M. FURIUS CAMILLUS III. &c.

Nothing however of importance paſſed this year. Only the lands of the Faliſci and Capenates were ravaged, in which nothing was ſpared that fire and ſword could deſtroy.

A ſudden increaſe of the water in the Alban Lake occaſions the ſending to Delphi. Anſwer of the oracle. Liv. 5. 15—18. Plut. in Camil. p. 130--131.

Amongſt many other prodigies, the ſudden increaſe of the Alban Lake, that happened without any previous rains, or any apparent natural cauſe (for the Phyſics were then little known) drew the attention of the Romans; and the more, becauſe the extreme drought of the ſummer had dried up all the ſprings, and almoſt all the rivers of the country. Deputies were ſent to Delphi, to know the meaning of the Gods by this prodigy. But the explanation of it was believed to have been had nearer home. As it is uſual, in long ſieges, for the beſiegers and beſieged to talk with each other from their poſts, it happened that a Roman had made an acquaintance and frequently diſcourſed with an old man of Veii, who paſſed for one of great ſkill in divination, and if common report may be believed, explained the prodigy about which people were in pain to him. Having found means to induce him to come out of the city, he ſeized hold of him, and as he was the ſtrongeſt carried him off, and with the help of ſome of his comrades, brought him before the general, who, after he had heard him, ſent him under a guard to Rome. When he was introduced into the Senate, and interrogated concerning the increaſe of the Alban Lake, he anſwered, That the Gods muſt have been very angry with the Veientes on the day, when they put it into his thoughts to diſcover that to a Roman, which

was

A. R. 357. Ant. C. 395. was to occaſion the ruin of his country; but that they were maſters, and that it was not in his power to act contrary to their will: That it was written then in the book of Fate, that when the water of the Alban Lake ſhould be increaſed, if the Romans let it out in the proper * manner, which he told them, they ſhould gain the victory over the Veientes; and that till then the Gods would not abandon Veii. Though this pretended prophecy made a ſtrong impreſſion upon the Romans, they deſired a better authority; and thought it neceſſary to wait the return of the deputies from Delphi. In the mean time new Military Tribunes were elected.

A. R. 358. Ant. C. 394.

L. JULIUS JULUS, &c.

The inhabitants of Tarquinii, to take advantage of the favourable conjuncture, when the Romans were employed abroad in different wars, and at home in domeſtic diviſions, ſent out great parties to ravage their country. They were repulſed with vigour, and obliged to retire with great loſs.

The ſiege of Veii gave great diſquiet, and there was no hopes of putting an end to it, but by the peculiar favour of the Gods. The return of the deputies revived thoſe hopes. They brought back an anſwer conformable to that of the Hetrurian Soothſayer, which beſides informed them, that it was neceſſary to re-inſtate certain ceremonies of religion, which had been omitted and neglected. This advice was conceived to regard the laſt election of Military

* *Cicero relates it, where he makes this Soothſayer ſay, that if the water of the Lake, when let out, reached the ſea, it would be unfortunate for the Romans; but if not, it would be a good omen for them.* Lib. 1. de Divin. n. 100.

Tribunes,

Tribunes, wherein there had been ſome defect, and the Feſtivals called *Feriæ Latinæ*. A. R. 358. Ant. C. 394.

The Military Tribunes having abdicated their office, a new election came on. The Plebeian P. Licinius Calvus, of whom we have ſpoke above, was at firſt unanimouſly choſen. He was the firſt of the Plebeian Order, who had been elected Military Tribune. He had ſhewn great moderation in the exerciſe of that office; but was very old at that time. The people ſeemed alſo upon the point of re-electing ſeveral of thoſe, who had before been Military Tribunes with him. Licinius, before the report of his election was made, demanded to ſpeak to the People, as was uſual, and expreſſed himſelf to the following effect: *I perceive, Romans, that your remembrance of the union between my collegues and myſelf in our firſt adminiſtration, an union more neceſſary than ever in the preſent conjuncture, diſpoſes you to re-elect ſeveral of us, whom experience has made ſtill more capable of commanding, into the ſame office. As for myſelf, I am no longer the ſame man. You behold in me only the ſhadow and name of Licinius. The ſtrength of my body has entirely left me, I can ſcarce ſee or hear, my memory fails me, and the vigour of my mind is worn out. Suffer me to preſent my ſon to you,* (he held him by the hand) *the living image of him you honoured firſt of all the Plebeians with the office of Military Tribune. Brought up in my ſight and principles, I give, I devote, him to the Commonwealth in my ſtead. I ſhall be highly obliged, Romans, if you grant the honour you give me of your own accord, and without ſolicitation, to the demand of my ſon, and the requeſt which I add in his favour.* No difficulty was made to grant his deſire, and his ſon was unanimouſly elected Military Tribune.

Licinius refuſes the office of Military Tribune, and obtains it for his ſon.

P. LICI-

A. R. 359. Ant. C. 393. *Camillus declared Dictator.* Liv. 5. 18. 23. Plut. in Camil. 131. 133.

P. LICINIUS, &c.

Every thing the Gods ſeemed to require of the Romans had been exactly performed. The *Feriæ Latinæ* had been celebrated with the ceremonies preſcribed. The water of the Alban Lake had been drawn off by canals, and turned upon the lands. The tenth year of the ſiege of Veii was now arrived; and every thing ſeemed to denounce the approach of victory to the Romans.

A ſad event however, which might have diſconcerted that enterprize for ever, happened the beginning of this year. Two of the Military Tribunes, Titinius and Genucius, who commanded againſt the Capenates and Faliſci, acting in that war with more ardor and bravery than conduct, gave headlong into an ambuſcade. That raſhneſs coſt Genucius dear, who was killed fighting valiantly at the head of his troops. Titinius retired to an eminence, where he drew up the ſoldiers who had recovered themſelves a little from their terror. He would not hazard a battle however; and the diſgrace was greater than the loſs. But fame, which delights in exaggerating, eſpecially misfortunes, occaſioned an incredible alarm at Rome, and in the camp before Veii. A report ſpread there amongſt the troops, that the Roman army had been cut in pieces, with both their Generals, and that the Capenates and Faliſci, encouraged by their victory, were on full march with their choſen youth to attack the lines. The panic was ſo great in the army, that it was juſt upon the point of diſbanding univerſally, and many did actually fly from the camp.

The conſternation occaſioned ſtill greater trouble and confuſion at Rome. It was believed

ed there, that the camp before Veii had already been attacked, and that part of the enemy were upon full march to Rome. People ran to the walls; guards were poſted at the gates of the city; and the temples were full of women who with floods of tears implored the mercy of the Gods, and that they would cauſe the evils with which Rome was threatened to fall on Veii. A. R. 359. Ant. C. 393.

In this (*a*) ſad conjuncture the Romans placed a General at the head of their armies, deſtined, ſays Livy, by the fates to take Veii, and to ſave his country. Camillus was created Dictator, and appointed L. Cornelius Scipio Maſter of the Horſe. The change of the General immediately changed the face of affairs. Hope, courage, and even good fortune, ſeem'd in a moment to revive. We ſee here what one man can do. It had already been obſerved, that in all the employments wherein Camillus had collegues, his great valour, and exalted abilities had induced them to reſign the whole honour of the command to him, as if he had been commander in chief; and it was afterwards remarked, that during his Dictatorſhips he governed with ſo much mildneſs and moderation, that the officers ſubordinate to him, believed they ſhared his authority.

Camillus re-inſtates affairs at Veii.

His firſt care was to repair to the lines before Veii, where he began by puniſhing thoſe who had abandoned the camp in the ſudden conſternation, of which I have ſpoke, with all the rigour of diſcipline; and thereby taught the

(*a*) Igitur fatalis dux ad excidium illius urbis, ſervandæque patriæ M. Furius Camillus Dictator dictus.—Omnia repente mutaverat imperator mutatus. Alia ſpes, alius animus hominum, fortuna quoque alia urbis videri. *Liv.* 5. 19.

troops

A. R. 359. Ant. C. 393. troops to be more afraid of the juſt ſeverity of their General, than of the enemy's forces how formidable ſoever they might be. On his return to Rome, he made the levies, none refuſing to give in their names. The People, in emulation of each other, ran to liſt under his command. The youth of the Latines and Hernici came to offer the Dictator their ſervice, which he accepted, and thanked them for in full Senate. Every thing was now ready for taking the field. Camillus vowed to the Gods, that if they gave an happy end to this war, he would celebrate the great games (thoſe of the Circus) and rebuild the temple of the Goddeſs called by the Romans *Mater* * *Matuta*.

After having made theſe vows, he marched againſt the Faliſci and Capenates, and gave them battle. Every thing paſſed on his ſide with prudence and reaſon; and the ſucceſs, as is uſual, was anſwerable. He not only defeated the enemy, but took their camp, where he found conſiderable ſpoils, of which he reſerved the greateſt part for the public treaſury, and gave the reſt to the ſoldiers.

From thence he led his army to Veii, which he began to incloſe within narrower bounds. He re-inſtated diſcipline in the camp, which had been obſerved with little regularity, and put an end to accidental and looſe ſkirmiſhes between the walls of the city and the lines, by forbidding the troops to fight without orders. He employed them in uſeful and neceſſary works, and cauſed a great number of towers to be added to the intrenchments, which they had not before.

* *The ſame as Ino ſiſter of Semele, aunt of Bacchus, and wife of Athamas.*

The moſt important work of all, and that which coſt moſt pains, was a mine. Camillus, ſeeing that there would be abundance of danger and difficulty in carrying the walls of the city by force, undertook to open himſelf a way under ground, the earth being of a very proper ſort for digging, and capable of being cut at a ſufficient depth for concealing the work from the enemy. To forward it, and at the ſame time to eaſe the workmen, he divided them into ſix bands, each of which worked ſix hours, and was then relieved by another. The work was carried on night and day without interruption till it happily extended to the citadel. A. R. 359. Ant. C. 393.

Camillus upon the point of taking the city, conſults the Senate concerning the ſpoils.

The Dictator, when he ſaw the richeſt city of Italy upon the point of falling into his hands, in which more conſiderable ſpoils would be taken, than had been gained in all the preceding wars of Rome together; to avoid either drawing the anger of the ſoldiery upon him for dividing them with too ſparing a hand, or diſſatisfying the Senators by diſtributing them with too much profuſion, he wrote to the Senate to inform it, "That by the favour of the immortal Gods, his cares, and the patience of the ſoldiers, Veii would ſoon be in the hands of the Roman people. That therefore he deſired they would direct him as to the uſe it was proper to make of the ſpoils." The Senate were of two opinions. The one was that of Licinius the father, who being firſt aſked by his ſon, replied, that he thought it moſt adviſable, "to give notice in the name of the Commonwealth for all ſuch as were willing to ſhare in the ſpoils to repair to the camp at Veii." The other was the opinion of Appius Claudius. "He thought, that to aban-

"don

A. R. 359. Ant. C. 593. " don the ſpoils in that manner to all that had " hands to take them, beſides its being new, " was attended with great inconveniences; that " they would be plundered with profuſion by " chance and without choice, and with great " inequality. That if it was not judged pro- " per, that the money taken from the enemy " ſhould be brought into the public treaſury, " exhauſted as it was by ſo many wars, he was " of opinion, that it ought to be appropriated " to the payment of the ſoldiers, which would " be a relief to the People, and eaſe them of " part of the taxes. That (*a*) thereby every " houſe would be equally ſenſible of the fruits " of this largeſs, and the rapacious hands of " idle citizens would not deprive the ſoldiers " of the rewards ſo juſtly due to their labours; " it being uſually obſerved, that the braveſt, " and moſt forward in battle, were the leaſt " active and expert at plundering.

To this Licinius replied: " That if that " money were brought into the public treaſury, " it would ſupply the People with eternal mat- " ter of complaint, murmur, and ſedition. " That it was better therefore to regain their " favour by a largeſs, which, exhauſted as they " were by the contributions of ſo many years, " would be a preſent relief to them. That it " was but juſt, that all the citizens ſhould par- " take of ſpoils acquired by a war, in which " they had in a manner grown old. That " what each of them ſhould carry to his own

(*a*) Ejus enim doni ſocietatem ſenſuras æqualiter omnium domus: non avidas in direptiones manus otioſorum urbanorum prærepturas fortium bellatorum præmia eſſe: cum ita ferme eveniat ut ſegnior ſit prædator, ut quiſque laboris periculique præcipuam petere partem ſoleat. *Liv.*

" houſe,

" houſe, and take with his own hand from A. R. 359. Ant. C. 393.
" the enemy, would be far more agreeable than
" double or treble the value from another's.
" That the Dictator, in referring the affair to
" the Senate, had no other view than to ſpare
" himſelf envy and reproach. That the Senate
" on their ſide, ought in like manner to refer
" the whole to the diſpoſal of the People, in
" permitting them to go and take the plunder,
" as chance ſhould throw it in their way."

The latter advice, which was the moſt popular for the Senate, ſeemed the beſt. Declaration was accordingly made, that ſuch as were deſirous to ſhare in the plunder of Veii, had only to repair to the camp. How great the multitude of thoſe that went thither was, it is eaſy to judge.

The city is taken by means of a mine.

The Dictator then quitting his pavilion, after having taken the auſpices, and ordered the ſoldiers to arm: *O Pythian Apollo*, ſaid he, *under your guidance, and by your orders, I advance to ruin the city of Veii: I conſecrate by vow the tenth part of the ſpoils to you. And you, Queen Juno, who now inhabit Veii, I implore that you will vouchſafe to follow* * *us the victors to our city, which will ſoon be yours, and where you ſhall be received in a temple worthy of your majeſty.*

After having finiſhed theſe prayers, as his army was very numerous, he gave a general aſſault, and attacked the place on all ſides, in or-

* *The Pagans believed, that the tutelary Gods of a city left it, when it was upon the point of being taken by the enemies.* Exceſsere omnes adytis arisque relictis Dii, quibus imperium hoc ſteterat. *Virgil. Æn. l. 2. ſpeaking of Troy. The Tyrians, when beſieged by Alexander, imagined that Apollo was for leaving them, and going over to the camp of that Prince. They therefore chained his ſtatue with a chain of gold to the altar of Hercules, to prevent the flight of that God.* Diod. Sic. l. 17. p. 720.

A. R. 359. Ant.C. 393. der to draw the beſieged to the walls, and prevent them from knowing the real danger they had to fear. The Veientes, who did not know that their laſt hour was come, were eager to run in emulation of each other to the walls, not being able to gueſs why the Romans, of whom none had appeared out of the lines for many days, advanced on a ſudden, like mad-men, to attack the place on all ſides.

A fabulous relation is inſerted here, that the King of the Veientes was at this inſtant ſacrificing to the Gods: that his diviner having inſpected the entrails of the victim, cried out, that the Gods would give the victory to him who ſhould make oblation of that ſacrifice. That the Romans, who were ſtill under ground, upon hearing thoſe words, immediately cut open the mine, and coming out of it with great cries and a dreadful noiſe of arms, ſo terrified the Veientes, that they put them to flight, and ſeized the entrails of the victims, which they carried to Camillus. (*a*) *But*, ſays Livy, *in things of ſuch antient date, I think it ſufficient to take what is probable for true. Incidents of this kind, which are fitter for the ſtage, that delights in the marvelous, than for hiſtory, it is not worth while either to affirm or refute.*

I have repeated this paſſage of Livy expreſsly to ſhew, that he is not ſo credulous as ſome perſons imagine. He lays down a very rational principle here, and puts us upon our guard againſt the propenſity men have for the mar-

(*a*) Inſeritur huic loco fabula.——Sed in rebus tam antiquis, ſi, quæ ſimilia veri ſunt, pro veris accipiantur, ſatis habeam. Hæc ad oſtentationem ſcenæ gaudentis miraculis aptiora, quam ad fidem, neque affirmare, neque refellere, operæ pretium eſt. *Liv. l.* 5. *c.* 21.

velous,

velous, that ſource of ſo many errors in hiſtory. A. R. 359. Ant. C. 393.

The choſen troops having ſucceſsfully entered the citadel in the temple of Juno by the mine, diſperſed themſelves from thence into the city. Some attacked the ſoldiers behind who defended the walls: others pulled down the barriers and unbarred the gates in order to let in their companions: and many ſet fire to the houſes to prevent the women and ſlaves from throwing down tiles upon them from the roofs. The Romans entered in throngs either through the gates or by the walls, which they ſcaled without reſiſtance, the enemy having abandoned them. The whole city reſounded with ſhrieks and lamentable cries. Nothing was ſeen every where but blood and ſlaughter: till Camillus cauſed proclamation to be made by a herald, that thoſe ſhould be ſpared, who laid down their arms. When the priſoners were diſarmed and ſent off, the ſignal was given to the ſoldiers to plunder the city.

Fine ſaying of Camillus.

Whilſt they were employed in that manner, the Dictator, who from the greatneſs of the ſpoils conceived better than before the opulence of the city he had juſt taken, and the importance of his conqueſt, (*a*) lifted up his hands to heaven, and implored the Gods, *If his own and the good fortune of the Roman People appeared too great in their ſight, and that it was neceſſary to qualify it by ſome diſgrace, that they would be pleaſed to make it fall upon him, and to ſpare the commonwealth.* After this prayer, adds Livy, Camillus,

(*a*) Dicitur manus ad cœlum tollens precatus eſſe, *Ut ſi cui deorum hominumque, nimia ſua fortuna populique Romani videretur, eam invidiam lenire ſuo privato incommodo, quàm* [id eſt, *potiùs quàm*] *minimo publico populi Romani liceret.* Liv.

A. R. 359. Ant. C. 393. millus, turning round to the right, according to the cuſtom of the Romans upon the like occaſion, fell down upon the ground, which fall was afterwards thought a preſage of his baniſhment, and of the taking of Rome by the Gauls. It is eaſy to adapt events after they happen to ſuch omens.

The day after the taking of Veii, the priſoners were ſold by auction, and the ſums raiſed from them ſet apart for the public treaſury. The People were much offended at Camillus on that account: and as to the plunder which they carried home, they believed themſelves neither obliged for it to the Dictator, who, in referring an affair to the Senate that depended only upon himſelf, had ſufficiently argued his ill-will; nor to the Senate, which of itſelf had not appeared too well diſpoſed in reſpect to them; but ſolely to the family of the *Licinii*, who had ſtrongly eſpouſed their intereſt.

After all the profane riches had been removed from Veii, Camillus thought of accompliſhing the vow which he had made of tranſporting the ſtatue of Juno to Rome. For that purpoſe he choſe out the handſomeſt young perſons of the whole army. After having purified themſelves well, and put on white robes, they approached the ſtatue with the utmoſt reſpect and veneration, not daring to lay their hands upon it without a religious tremor, becauſe according to the cuſtom of the Hetrurians, only a prieſt of a certain family was permitted to touch her. To throw the marvelous into this fact, ſome add, that upon the Goddeſs's being aſked by one of theſe young perſons, *Whether ſhe would be pleaſed to go to Rome?* ſhe anſwered by a nod, or as others ſay, by words, *that ſhe would.* Certain it is, that ſhe was carried to mount Aventine, where

where a magnificent temple was erected for her, which was afterwards dedicated by Camillus. A. R. 359. Ant.C. 393.

Such was the fate of Veii, the moſt opulent city of all Hetruria, the greatneſs of which the ruin itſelf proves, as it could not be reduced till after a ſiege of ten years, during which it made the Romans ſuffer greater calamities, than it endured itſelf, and as it was not taken by open force and aſſault, but ſurprize and ſtratagem.

Extraordinary joy at Rome.

When the news that Veii was taken came to Rome, notwithſtanding the anſwers of the diviners, the oracle of Delphi, the exactitude with which all the duties of religion had been performed, the choice of the moſt able general of his times, in a word, though every thing, one would have thought, ſhould have prepared People for that event; the length and difficulties of the ſiege, with the diſgraces of the other generals who had carried it on before Camillus, made that news occaſion incredible joy at Rome, as if entirely unlooked for, and contrary to the general expectation. The concourſe of the Roman ladies in all the temples, whither they repaired in throngs to return the Gods thanks, prevented the decree of the Senate, which ordained ſolemn ſupplications and thankſgivings for a greater number of days than had ever been done before, that is to ſay, for four days together.

Triumph of Camillus.

The Dictator's triumph was moſt magnificent, and all the orders of the ſtate made it a duty to do him honour in emulation of each other. Himſelf was willing to exalt the pomp by cauſing his chariot to be drawn by four white horſes. It muſt be obſerved here, that the ſame colour was aſcribed to the horſes of

A. R. 359. Ant. C. 393. the Sun and of Jupiter. (*a*) Every body took offence at this circumſtance; and people judged, that the Dictator thereby exalted himſelf, not only above the condition of a citizen of a free ſtate, but even above human nature. They imagined, that religion was violated, by the uſurpation of an honour which appertained to the immortal Gods; and from thence alone, his triumph was more ſplendid than grateful in the eyes of the Romans.

What happens here in regard to Camillus, in other reſpects ſo full of wiſdom and moderation, ſhews us, that there is a ſubtile poiſon in proſperity and popular applauſe, that imperceptibly glides into the heart, and cauſes in it a ſecret ſwelling, a falſe pride, againſt which the greateſt and even the wiſeſt of men find it difficult to defend themſelves. On the other ſide, the People's general diſguſt of a thing that might appear inconſiderable enough, argues how high the Romans carried their reſpect for the Divinity.

Camillus, after having taken all the neceſſary meaſures for building the temple of Juno, and dedicated that of the Goddeſs *Matuta*, abdicated the Dictatorſhip.

Tenth of the ſpoils conſecrated to Apollo.

The Senate afterwards deliberated upon the vow Camillus had made, to conſecrate the tenth part of the ſpoils to Apollo. The accompliſhment of that vow, which the Pontiffs declared indiſpenſible, was not eaſily effected. For how was it poſſible to make the People bring in all the ſpoils, in order to extracting from them the part due to the God? After long conſultation,

(*a*) Parum id non civile modò, ſed humanum etiam viſum. Jovis Soliſque equis æquiparari Dictatorem, in religionem etiam trahebant: triumphuſque ob eam unam maximè rem clarior quam gratior fuit. *Liv. l.* 5. *c.* 23.

they

they fixed upon the means that ſeemed the moſt eaſy and natural; and was ſo in effect. This was by a public decree to inform all thoſe who were willing to clear their conſciences, and aſſure the ſafety of themſelves and families, to make a fair and juſt eſtimate of the plunder they had got, and to bring in the tenth part of it to the public treaſury, in order to its being formed into a preſent of maſſy gold, worthy of the majeſty of the God, the temple, for which it was intended, and of the grandeur of the Roman People. This neceſſity of contributing at their own expence to the gift deſigned for Apollo, ſtill added to the People's diſguſt for Camillus. For, when intereſt is affected, reſpect for the Gods grows leſs warm and lively. A. R. 359. Ant.C. 393.

Peace was granted the Volſci and Æqui, leſs becauſe they deſerved it, than not to engage the People in a new war after that they had ſo lately undergone, and from which they were ſcarce well returned.

P. Cornelius Cossus, &c.

A. R. 360. Ant.C. 392.

The ravages committed in the country of the Capenates, oblige them to demand peace, which they obtain. The war againſt the Faliſci is continued. Liv. l. 4. c. 24, 25. Plut. in Camill. p. 133.

The People demand to be removed to Veii.

In order to appeaſe the ſedition, which began to appear at Rome, the Senate conſented to ſend a colony into the country of the Volſci, which was to conſiſt of three thouſand citizens, to each of whom three acres of land were allotted. The citizens refuſed to go thither, and were for ſettling at Veii, inſtead of being baniſhed into a remote country. They went ſo far as to demand that Rome and Veii ſhould for the future conſtitute only one and the ſame city and commonwealh, in tranſporting half the

A. R. 360. Ant. C. 392.

People and Senate to the latter: a demand which will be urged hereafter with much greater warmth, and will ſoon excite great tumults at Rome. It found very ſtrong oppoſition now from the Patricians, who proteſted that they would ſooner die than ever ſuffer ſuch a law to be propoſed in the aſſembly of the People.

New difficulty concerning the extent to be given the vow of the tenth.

Camillus cried out, in almoſt every aſſembly, that it was not ſurprizing to ſee the People abandoned to a kind of madneſs and phrenzy. That it was a viſible puniſhment for their neglect to accompliſh the vow made to Apollo. That without mentioning the Tenth of the ſpoils, his conſcience would not ſuffer him to be ſilent upon another article, that regarded the whole people; which was, that in the Tenth of Veii itſelf they included only the moveable effects, whereas the city and adjacent territory ought to be included in it, and were a part of the vow. The difficulty appeared very ſerious to the Senate. They ſubmitted it to the conſideration and judgment of the Pontiffs, who were all of the ſame opinion with Camillus. An eſtimate was made in conſequence of the city of Veii, and the lands in its dependance. The amount of that eſtimate was taken out of the public treaſury, and the Military Tribunes were directed to purchaſe gold with it, to be employed in the preſent intended for Apollo of Delphi. As gold was very ſcarce in thoſe times, the Roman ladies diſtinguiſhed themſelves on this occaſion by a very laudable generoſity. In an aſſembly of them, they unanimouſly reſolved to carry in all their gold and jewels to the public treaſury, and went to declare that reſolution to the Military Tribunes. Nothing ever gave the Senate greater pleaſure. And indeed, it was an inſtance of great courage, conſidering how

The Roman ladies diveſt themſelves of their jewels to furniſh the gold neceſſary for the preſent to Apollo. They are rewarded for it to their advantage.

how much attached the ladies generally are to their jewels. They ſacrificed them however freely, not only to their country, but what highly exalts the merit of the act, to religion. The Senate, to reward them, granted them ſeveral privileges: as to go to the ſacrifices and games in chariots covered and ſuſpended, called *pilenta*; to be carried in the ſtreets on feſtival-days and at other times, in the open chariots, called *carpenta*; and to be praiſed publicly after death, an honour granted before only to men. * The gold which they ſent to the treaſury was weighed, in order to their having the value returned them, and a great golden cup was made of it to be ſent to Delphi. The Roman hiſtory has already ſupplied us, and will farther ſupply us, with many examples of the zeal of the ladies for their country, and of the attention of the Senate to reward all actions that bore the ſtamp of love for the public good. Nothing contributed ſo much to bind all parts of the ſtate firmly together, and to attach them to the common intereſt.

A. R. 360. Ant. C. 392.

Pilentis matres in mollibus. *Virg.*

I cannot conclude here, without obſerving how far the Romans, and Camillus in particular, carried their delicacy in reſpect of vows. They knew that a vow is an engagement taken with the Divinity himſelf, and a ſolemn promiſe that we make to him, from which we are not to depart in any thing for the future; and that if it be a crime to break our word with men, it is impiety and ſacrilege to do ſo in reſpect to God.

* *Plutarch makes that gold amount to eight talents, an almoſt incredible ſum for thoſe times. Eight talents of ſilver are eight thouſand crowns: eight talents of gold, ten times as much, that is to ſay, fourſcore thouſand crowns* [about 12000 *l.* ſterling] *only in jewels.*

When

A. R. 361. Ant.C. 391. When the duties of religion were diſcharged at Rome, the Tribunes of the People began again to ſtir, and to urge their propoſal of removing part of all Orders of the ſtate to Veii. As the People ſaw, that nothing could be terminated before the end of the year, they nominated the ſame Tribunes who had firſt ſet the affair on foot for the year following. The Patricians did the ſame on their ſide, and continued almoſt all the ſame Military Tribunes.

SECT. III.

Expedition of Camillus againſt the Faliſci. Treachery of a ſchoolmaſter, who delivers up his pupils: Generoſity of Camillus, who ſends them back to their parents. The Faliſci ſurrender themſelves to the Romans. The deputies ſent with a gold cup to Delphi, are taken by pirates. Generous conduct of Timaſitheus their chief. Two Tribunes of the People condemned in a fine. Camillus ſtrongly oppoſes the tranſmigration of the People to Veii. The Senate prevail upon the People by entreaties to reject the propoſed law for removing to Veii. Death of one of the Cenſors. Voice heard by Cædicius concerning the Gauls. Camillus, accuſed unjuſtly by a Tribune of the People, prevents his condemnation, and retires into baniſhment to Ardea.

M. FURIUS CAMILLUS, &c.

A. R. 361. Ant.C. 391. *Expedition of Camillus againſt the Faliſci.* Liv. l. 5. c. 26—28. Plut. in Camill. p. 133, 134.

ASSOON as the Romans ſaw themſelves maſters of Veii, they conceived thoughts of avenging themſelves upon the Faliſci, who had harraſſed them very much during the ſiege. Camillus was ſent againſt them this year, and after

after having defeated them in the field, (a) he took their camp, and cauſed all the ſpoils of it to be ſold for the benefit of the public treaſury. His ſoldiers were much incenſed againſt him on that account: but obliged to ſubmit by his ſeverity of diſcipline, they both hated and admired the virtue of their general. It remained to form the ſiege of the city, which was very ſtrong, and perhaps in a condition to defend itſelf as long as Veii, if the good fortune of the commonwealth, and the virtue of Camillus, well known before in military affairs, but which ſhewed itſelf in a new form upon this occaſion, had not haſtened the victory. A. R. 361. Ant. C. 391.

Treachery of a ſchool-maſter, in delivering up his pupils: Generoſity of Camillus, who ſends them back to their parents.

All the young perſons of the moſt illuſtrious houſes of Falerii were under the care of one maſter. This man, in time of peace, uſually carried them into the country without the walls to exerciſe themſelves in ſports ſuitable to their age. He had not diſcontinued this cuſtom during the war, preparing the way for a treaſon for which he expected a conſiderable reward; and ſometimes he carried them nearer, ſometimes farther, in order to have it in his power to execute his deſign without ſuſpicion. At length, finding the occaſion favourable, he carried all the youth confided to his care to Camillus, accompanying ſo criminal an action with no leſs criminal diſcourſe. He told that great man, in delivering up the children, whoſe fathers had the principal authority in Falerii, was in effect putting that city into his hands. But Camillus, looking at him with a menacing air:

(a) Caſtra capta, præda ad Quæſtores redacta, cum magna militum ira: ſed ſeveritate imperii victi, eandem virtutem & oderant, & mirabantur. *Liv. l.* 5. *c.* 26.

(a) *Traitor*,

A. R. 361. Ant.C. 391.

(a) *Traitor*, ſaid he, *you do not addreſs yourſelf with your impious preſent either to a general or a people that reſemble you. We have indeed no expreſs and formal alliance with the Faliſci, but that which nature has eſtabliſhed between all men, both does and ſhall ſubſiſt between us. War has its rights, as well as peace; and we have learned to make it with no leſs juſtice than valour. We are in arms, not againſt an age which is ſpared even in cities taken by aſſault, but againſt men, armed like ourſelves; men, who without any previous injury from us, attacked the Roman camp at Veii. Thou, to the utmoſt of thy power, haſt exceeded them by a new and different kind of crime: but for me, I ſhall conquer, as at Veii, by Roman arts, by valour, works, and perſeverance.* The traitor was not diſmiſſed for this reprimand only. Camillus cauſed him to be ſtripped, and to have his hands tied behind him; and arming his young ſcholars with rods, he ordered them to drive him back into the city, and to ſcourge him all the way; which no doubt they did with a good will.

The Faliſci ſurrender themſelves to the Romans.

At this ſight the Faliſci, who had been inconſolable for the loſs of their children, raiſed cries of joy. They were charmed to ſuch a degree with ſo uncommon an example of juſtice

(a) Non ad ſimilem, inquit, tui nec populum, nec imperatorem, ſceleſtus ipſe cum ſceleſto munere veniſti. Nobis cum Faliſcis, quæ pacto ſit humano, ſocietas non eſt: quam ingeneravit natura, utriſque eſt, eritque. Sunt & belli, ſicut pacis, jura: juſtéque ea non minus quàm fortiter didicimus gerere. Arma habemus, non adverſum eam ætatem, cui etiam captis urbibus parcitur; ſed adverſus armatos, & ipſos, qui nec læſi, nec laceſſiti à nobis, caſtra Romana ad Veios oppugnârunt. Eos tu, quantum in te fuit, novo ſcelere viciſti: ego Romanis artibus, virtute, opere, armis, ſicut Veios, vincam. *Liv. l.* 5. *c.* 27.

and

and virtue, that in an inſtant they intirely changed diſpoſition in reſpect to the Romans; and inſtead of being poſſeſſed as before with a blind fury againſt them, ſo as almoſt to prefer periſhing like Veii, to accommodating with them like the Capenates; they unanimouſly reſolved that moment to have a peace with ſuch generous enemies, at any price whatſoever. Accordingly they ſent Deputies firſt to the camp, and afterwards to Rome: where when they had audience of the Senate, they addreſſed themſelves to it in theſe terms. (a) *Illuſtrious Fathers, conquered by you and your General, in a manner that can give no offence either to Gods or men, we are come to ſurrender ourſelves to you: and we aſſure ourſelves, than which nothing can be more glorious for victors, that we ſhall live happier under your government, than under our own laws. The event of this war has brought forth two excellent examples for mankind. You, Fathers, have preferred juſtice in war to immediate conqueſt: and we, excited by that juſtice which we admire, voluntarily preſent you the victory. We are now entirely yours. Send perſons to us to receive our arms, hoſtages, and city, of which the gates are open to you. You will have no reaſon to be diſſatisfied with our fi-* A. R. 361. Ant. C. 391.

(a) Patres conſcripti, victoria, cui nec deus nec homo quiſquam invideat, victi à vobis & imperatore veſtro; dedimus nos vobis: rati, quo nihil victori pulchrius eſt, melius nos ſub imperio veſtro, quam legibus noſtris, victuros. Eventu hujus belli duo ſalutaria exempla prodita humano generi ſunt. Vos fidem in bello, quam præſentem victoriam, maluiſtis: nos fide provocati, victoriam ultrò detulimus. Sub ditione veſtra ſumus. Mittite, qui arma, qui obſides, qui urbem patentibus portis accipiant. Nec vos fidei noſtræ, nec nos imperii veſtri pœnitebit. *Ibid.*

delity,

A. R. 361. Ant. C. 391. *delity, and we aſſure ourſelves we ſhall have none to regret your power.*

And indeed, as the Deputies of the Faliſci ſay in this place, no praiſe can be ſo grateful, and ſo glorious for a ſtate or a prince, as that the conquered People enjoy more tranquillity, and are more happy under them, than they were whilſt they lived free and independent under their own laws. And this was actually the caſe with the ſtates that ſubmitted to the Romans. The farther we advance in their hiſtory, the more we ſhall diſcover, that their reputation for faith to engagements, equity, humanity, and clemency, contributed more than any thing beſides to aggrandize the Roman empire.

Such was the ſucceſs of the war againſt the Faliſci, which acquired Camillus the thanks both of the enemy and his own country. A certain ſum of money was exacted from the Faliſci for the payment of the Roman troops for the current year, and to exempt the People from taxes. After which the army returned to Rome.

We ſee in the famous event, which we have juſt related, the power of virtue, and what impreſſion it is capable of making upon the mind of man when ſolid and ſincere. Nobody can read this fact without feeling himſelf warmly affected with indignation for the perfidious maſter who gives up his ſcholars, and admiration for Camillus who ſends them back to their parents. Sentiments of this kind are not free, and do not depend upon the will: they are implanted in the heart, they are a part of it, and born with us. We muſt therefore renounce nature, and ſuppreſs its voice, to believe, or to ſay, that virtue and vice are only names, without force and reality.

Camillus,

Camillus, revered and admired for his juſtice and integrity, re-entered Rome with a glory far more ſolid, than that of his ſuperb and pompous triumph, wherein he ſeemed to aim at equalling himſelf to the Gods he adored. A. R. 361. Ant. C. 391.

Immediately after his return, the Senate diſpatched a ſhip of war with three Deputies, to carry the gold vaſe to Delphi. They were taken on their voyage by pirates of the iſland of Lipara, and carried thither. Their cuſtom was to divide all the prizes they took amongſt the inhabitants. Their principal magiſtrate this year was one Timaſitheus, a man, ſays Livy, who reſembled the Romans more in his manners, than his countrymen.

This man, full of reſpect as well for the God for whom the cup was intended, as for thoſe who ſent it him, and the motive which had induced them to make that offering, inſpired the whole multitude, who generally form their opinions by thoſe of their Leader, with the ſame ſentiments of religion. After having entertained the Deputies magnificently, he determined to convoy them himſelf, and accordingly went with them to Delphi, and afterwards reconducted them to Rome. He was received in an highly honourable manner: The right of hoſpitality was conferred upon him by a decree of the Senate, and great preſents were made him.

One of the Military Tribunes gained at this time a conſiderable advantage over the Æqui. The citizens ſtill meditated the paſſing of the law for the tranſmigration of part of the People to Veii. To ſucceed in it, they continued thoſe Tribunes in office who promoted it, whilſt the Patricians, with their utmoſt efforts, could not continue thoſe who oppoſed the demand of their collegues. The Senate, to be revenged, paſſed

A. R. 361. Ant.C. 391. paſſed a decree for the election of Conſuls, of which none had been choſen for fifteen years.

A. R. 362. Ant.C. 390.

L. LUCRETIUS FLACCUS. SERVIUS SULPICIUS CAMERINUS.

Two of the Tribunes of the People fined. Liv. l. 5. 29, 32.

Two of the Tribunes of the People, who had been the two preceding years in office, were cited to take their trials before the People. Nothing could be laid to their charge, except oppoſing the law propoſed by their collegues. The Senate took abundance of pains to prevent them from ſinking under the the affair. Their endeavours were ineffectual, and the late Tribunes were condemned in a fine.

Camillus ſtrongly oppoſes removing to Veii.

Camillus, highly incenſed at ſo crying an injuſtice, reproached the People warmly upon the occaſion, and declared that if the exceſſive licentiouſneſs of the Tribunes could not be checked by the oppoſition of ſome of their collegues, the Senate well knew how to find another method for reſtraining it. But his zeal appeared moſt in the Senate, where he was inceſſantly haranguing with the utmoſt warmth againſt the law which occaſioned ſo much trouble. He told the Senators, "That upon the "day when the law was to be propoſed, they "ought all to repair to the Forum as to a field "of battle, where they were to fight for the "temples and altars of the Gods, their fire-"ſides, and the place which had given them "birth. That as to himſelf, if it were allow-"able for him to regard only his own intereſts, "nothing could be more honourable for him "than to ſee a city, which he had taken, peo-"pled with a great number of inhabitants, "where the monuments of his glory would con-"tinually preſent themſelves to his eyes, where "he

A. R. 362. Ant. C. 391.

" he could not make a ſingle ſtep without tread-
" ing upon the traces of his victory; and of
" which, in a word, the ſight alone would
" continually renew his triumph. But that he
" believed it not conſiſtent with religion, and
" impious to conceive thoughts of inhabiting a
" place which its own Gods had abandoned,
" and that a free and victorious people ſhould
" go to ſettle in a conquered city. He added
" that it ſeemed impoſſible to him, that two
" ſuch powerful cities ſhould continue long at
" peace, live under the ſame laws, and how-
" ever form but one Commonwealth. That
" the two cities would inſenſibly form them-
" ſelves into two different ſtates, which after
" having made war againſt each other, would
" in the end become the prey of their common
" enemies.

The Senate prevail by entreaties to have the law for removing to Veii rejected.

Theſe warm exhortations of Camillus had all the effect he could deſire. The day when the People were to give their ſuffrages concerning the law, all the Senators, young and old, repaired in a body to the Forum, and diſperſing themſelves into their tribes, they addreſſed themſelves to their fellow citizens of the ſame tribes, preſſing their hands, and conjuring them with tears in their eyes, " not to abandon a country
" for which themſelves and their fathers had
" fought with ſo much valour and ſucceſs."
Then pointing to the capitol, the temple of Veſta, and thoſe of the other Gods near it, " they implored them not to tear the Ro-
" man people from their native home, and
" houſhold Gods, to baniſh them into a ſtrange
" and enemy city, and not to give reaſon for
" wiſhing that Veii had never been taken, that
" it might not have expoſed Rome to ſo
" ſhameful a deſertion." As the Patricians

A. R. 362. Ant.C. 390. employed only remonſtrances, prayers, and tears, ſeconded with motives of religion, to which the People are very ſenſible, they ſuffered themſelves to be overcome by that agreeable violence, whereas an air of command and authority would only have exaſperated them. Of the tribes, there was a majority of one for rejecting the law.

Colony ſent to inhabit the country of Veii. This victory gave the Senators ſuch exceeding joy, that the next day a decree appeared, which granted ſeven acres of land not only to each father of a family, but alſo to every male infant in his houſe; ſo that every father might reckon, that each of his ſons ſhould poſſeſs ſeven acres in the territory of Veii. The intent of this decree was to induce the Romans to marry, and to enable them to bring up children, for the ſervice of the Commonwealth. It is remarkable that the Senate never loſes ſight of this great principle of policy, to augment as much as poſſible the number of the People, wherein the principal ſtrength of a ſtate conſiſts.

A. R. 363. Ant.C. 389.

L. VALERIUS POTITUS.
M. MANLIUS.

Theſe Conſuls cauſed the great games vowed by Camillus during the war with Veii to be celebrated. The temple of Juno vowed at the ſame time was alſo dedicated now.

Death of one of the Cenſors. C. Julius, one of the two Cenſors, died this year; and M. Cornelius was elected to ſucceed him. As the city of Rome was taken during this *luſtrum*, the idea of unfortunate was affixed to this ſubſtitution of a Cenſor in the room of one deceaſed; and it was decreed, that for the future, when a Cenſor died in his office, another

ther ſhould not be ſubſtituted in his ſtead, and that his collegue ſhould abdicate. A. R. 363. Ant.C. 389.

L. LUCRETIUS, &c.

A. R. 364. Ant.C. 388.

Two of the Military Tribunes were charged with the war againſt the Volſci, and two more with that againſt the Salpinates. Thoſe two people the year before, taking advantage of the plague, which raged at Rome, had ravaged part of the country bordering upon them. They were defeated and puniſhed.

Voice heard by Cædicius concerning the Gauls. Liv. 5. 32. Plut. in Camil. 134, 135.

The ſame year, Cædicius, a Plebeian, informed the Military Tribunes, that late the night before, as he was walking in the ſtreet called *Via nova*, he heard a voice louder than that of a man, which ordered him to go and inform the magiſtrates, that the Gauls were coming. As Cædicius was a man of no note, and the Gauls beſides a nation very diſtant, and for that reaſon little known, no ſtreſs was laid upon this account. And indeed did it deſerve much?

Camillus accuſed unjuſtly by a Tribune of the People prevents his condemnation, and withdraws into baniſhment to Ardea.

The Romans committed a much more real fault in reſpect to Camillus, whoſe ſignal ſervices they rewarded with inexcuſable ingratitude. Himſelf indeed had given ſome room for it; and the ſame perhaps may be applied to him, as Livy ſays of one of the firſt Fabii. That (*a*) great men more frequently want the art of governing their own people, than that of ſubduing the enemy. He oppoſed the multitude on all occaſions, and without any reſerve. He always appeared the moſt active and ardent in oppoſing all their caprices. The People, who ſoon forget paſt ſervices, when thoſe that did

(*a*) Adeo excellentibus ingeniis citius defuerit ars quâ civem regant, quam quâ hoſtem ſuperent. *Liv.* 2. 43.

A. R. 364. Ant. C. 388. them oppoſe their inclinations, were thereby prepared to give a favourable hearing to the diſcourſe of a ſeditious Tribune, who accuſed Camillus of having converted part of the ſpoils of Veii to his own uſe. The accuſation was not only without foundation, but probability. That great man, who was beſides highly afflicted for the loſs of his ſon, a youth, lately dead, aſſembled his friends, and the principal perſons of his tribe at his own houſe, in order to ſound whether he had any thing to hope from their credit. Having conſulted together, they all anſwered, that how paſſionate ſoever they might be for his ſervice, they could be of no uſe to him with his judges, but that they would pay the fine for him. Seeing therefore that he had no juſtice to expect from a multitude blinded with hate, and that he ſhould certainly be condemned, as he was in effect, he did not ſtay to have ſentence paſſed, but went into baniſhment to Ardea. Before he quitted the city, turning his eyes toward the Capitol, he prayed the Gods, *that if he were innocent, they would make his ungrateful country regret his abſence as ſoon as poſſible.* This prayer of Camillus, ſo different from that which he makes to the Gods at the taking of Veii, agrees ill with his zeal for his country, and is a ſtain in his life. Ariſtides, condemned like him to baniſhment, ſhewed more greatneſs of ſoul in praying the Gods, *that no misfortune might befal the Athenians, which might give them cauſe to remember Ariſtides, and to ſtand in need of his ſervices.* He took refuge at Ardea, a city not far from Rome, where he was informed that he had been condemned in a fine.

Plut. in Ariſtid. p. 322.

For the reſt, this kind of condemnations of the moſt illuſtrious citizens, uſual enough at Rome,

Rome, which extended no farther than a fine, had a ſufficient reſemblance to the oſtraciſm of Athens. (*a*) The ſource of both the one and the other, at Rome and Athens, was the fear leaſt ſuch citizens becoming too powerful, ſhould invade the liberty of the public: a fear, which rendered all exalted merit, if not odious, at leaſt ſuſpected, and induced them to take exceſſive precautions to prevent its effects, and remove their often ill-founded alarms. Cicero, who condemns this injurious delicacy, acknowledges it the effect of the republican genius and character. *We are not willing*, ſaid the Epheſians in baniſhing Hermodorus one of their principal citizens, the ſame who interpreted the Greek laws for the Roman deputies, *We are not willing that any perſon's merit amongſt us, ſhould be ſo peculiarly eminent as to ſet him above all the reſt. But if any ſuch perſon ſhould ariſe, our will is, that he carry his merit into another country, and to another people.* A. R. 364. Ant. C. 388.

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SECT. IV.

The city of Cluſium beſieged by the Gauls, implores aid of the Romans, who ſend ambaſſadors to the beſiegers. Thoſe ambaſſadors joining the people of Cluſium in a ſally, the Gauls raiſe the ſiege, and march for Rome. The Romans, who take the field againſt them, are ſeized with a panic, and entirely defeated near Allia. The Gauls advance to Rome. A ſmall body of troops retire into the Capitol with part of the Senate. The Veſtals and Prieſts charge themſelves with the care of the ſacred things. Courage of the old men who remain in the city. Piety of Albinius in reſpect to the Veſtals who take refuge at Cære. The ancient Senators, in their robes of ſtate, place themſelves each at his door. The Gauls find Rome almoſt wholly abandoned. Maſſacre of the ancient Senators. The Gauls ſet the city on fire. They are repulſed in attacking the Capitol. Camillus defeats a conſiderable detachment of the Gauls near Ardea: Defeat of the Tuſcans. Pious and bold action of Fabius Dorſo. Camillus is declared Dictator by the Senate. The Geeſe ſave the Capitol. The Romans reduced to extremities capitulate. Camillus arrives that inſtant, and defeats the Gauls. They are entirely cut to pieces in a ſecond battle. Camillus enters Rome in triumph. Reflections upon the taking of that city. The inhabitants of Cære rewarded. Temple erected to Aius Locutius. Honours rendered to the Geeſe.

A. R. 364. Ant. C. 388. *Cluſium beſeiged by the Gauls, implores aid of the Romans.* Liv. 5. 33--36. Plut. in Camil. 135--136. Diod. Sic 14. 321.

WE have ſeen that Camillus was rewarded for the ſervices he had done his country, as many other great men have been; that is to ſay, with ingratitude. Soon after his departure,

parture, ambaſſadors arrived from the inhabitants of Cluſium a city of Tuſcany, which was then actually beſieged by the Gauls lately arrived in the country, under the command of Brennus, to implore the aid of the Romans againſt thoſe ſtrangers, whoſe numbers, ſtature, and arms had ſpread terror on all ſides. A. R. 364. Ant. C. 388.

Gaul, ſirnamed *Comata*, was anciently divided into three parts, Aquitania, Celtic and Belgic Gaul. The Gauls, of whom we are now ſpeaking, were of Celtic Gaul. They were not the firſt who came to ſettle in Italy. In the reign of Tarquinius Priſcus, about the 165th year of Rome, Ambigatus reigned over Celtic Gaul. That prince, finding thoſe great provinces overpeopled, put Sigoveſus and Belloveſus, two of his nephews, at the head of a great body of youth, whom he obliged to go in queſt of ſettlements in foreign countries; whether that were a common practice in thoſe times, as it was afterwards in the North down to the tenth century; or that Ambigatus had recourſe to this expedient of military colonies, to rid himſelf of an ardent, reſtleſs, turbulent youth. However that were, the Leaders decided by lots the regions into which theſe ſwarms were to go to ſettle. Chance ſent Segoveſus over the Rhine, who taking his way thro' the * Hercinian foreſt, opened himſelf a paſſage by force of arms, and ſeized Bohemia and the adjacent provinces. Belloveſus turned towards Italy, and paſſed the Alps. He carried with him part of the inhabitants of Bourges, Auvergne, *Short account of Gaul.*

(a) *The Hercinian foreſt covered a great part of the ancient Germany. It began at the bank of the Rhine, and in Suabia, where it is called at this day* the Black Foreſt, *and extended beyond Bohemia.*

A. R. 364. Ant. C. 388. the Senonois, Autun, Chartres, and ſome other countries, which formed a very numerous people. He ſettled in Inſubria, where he built Milan. At the ſame time, another body of the Gauls, compoſed principally of the inhabitants of Mans (Cenomani) aſſiſted by Beloveſus, fixed in the ſame country, where they built Breſcia, * Verona and ſome other cities. The ſame people afterwards made many irruptions into the parts adjacent to the lands their countrymen had poſſeſſed themſelves of long before. At length the Gauls of whom we are ſpeaking attracted into the country by the ſame views as their anceſtors, were conducted thither by an inhabitant of Cluſium called Aruns, in revenge of an injury which he had received from his fellow citizens. It is ſaid that the charms of the wine, which Aruns carried to them, a liquor they did not know before, contributed not a little to induce them to paſs the Alps, and undertake this march. To reward their guide, they formed the ſiege of Cluſium.

Rome deputes ambaſſadors to the Gauls.

The inhabitants fearing to fall into the hands of the Barbarians, implored, as we have ſaid before, the aid of the Romans, though they had no other motives for hoping it, but their not having armed in the late war in favour of the Veientes, as moſt of the other ſtates of Hetruria had done. The Romans did not think it proper to ſend troops immediately to the aid of the Cluſini. They contented themſelves with deputing three young Patricians to the Gauls: theſe were the ſons of M. Fabius Ambuſtus. "Thoſe "deputies were inſtructed to deſire the Gauls

* *The learned* M. Scipio Maffei *corrects the text of Livy in this place, and for* Brixia ac Verona, *reads* Brixia ac Cremona.

"in

" in the name of the Senate and People of A. R. 364. Ant. C. 388.
" Rome, not to attack the Cluſini, who had
" done them no wrong; and to add, That
" they ſhould be obliged to take arms for their
" defence, if that were neceſſary: but that the
" method of remonſtrances had appeared pre-
" ferable to them, and that they ſhould be ve-
" ry glad to live at peace with the Gauls."

The demand was reaſonable and moderate, if it had been carried by any but men of a violent and haughty diſpoſition. After the affair had been propoſed in the aſſembly of the principal perſons of the nation, Brennus, who was their King, or chief, replied: " That the name
" of the Romans was little known to them;
" that however they believed them a brave and
" couragious people, as the Cluſini had recourſe
" to them in their danger: that as they had
" choſe rather to employ the methods of paci-
" fication than their arms in defence of their
" allies, they on their ſide ſhould not reject the
" offered peace, provided the Cluſini, who poſ-
" ſeſſed more lands than they could cultivate,
" would agree to give up part of them to the
" Gauls, who were in want of it: that with-
" out that condition, there was no peace to be
" hoped. That they ſhould be glad to receive
" their anſwer in the preſence of the Roman
" deputies. That in caſe of refuſal, they would
" give battle in the preſence of the ſame Ro-
" mans, in order that they might be capable of
" letting Rome know, how much the Gauls
" excelled all other mortals in valour." The embaſſadors upon that aſking with an haughty air and tone, " What way, of proceeding it
" was, to demand land of its poſſeſſors, and if
" not granted, to threaten them with war; and
" what right the Gauls had to Tuſcany? *The*

ſame,

A. R. 364. Ant. C. 388.

ſame, anſwered they fiercely, *that you had to thoſe of ſo many ſtates as you are ſaid to have diſpoſſeſſed of their lands. We carry our right upon the point of our ſwords. All things belong to the valiant.*

The embaſſadors violate the law of nations.

The Fabii, enraged at ſo haughty an anſwer, diſſembled their reſentment; and under pretence of deſiring, in quality of mediators, to confer with the magiſtrates of Cluſium, they demanded to enter the place. They were no ſooner in the city, than inſtead of acting in the character of embaſſadors, and diſcharging the function of miniſters of peace, thoſe Romans, who were too young for an employment which requires extreme prudence, abandoning themſelves to their valour, and the impetuoſity of their years, exhorted the inhabitants to make a vigorous defence. To ſet them an example of it, they put themſelves at their head in a ſally, the Fates, ſays Livy, urging on the deſtruction of Rome; and Q. Fabius, who was at the head of the embaſſy, advancing on horſeback at the head of the army, killed with his lance one of the generals of the Gauls remarkable for his ſtature and appearance, and was univerſally known by the enemy, whilſt he was ſtripping the perſon he had juſt killed of his ſpoils.

Jam urgentibus urbem Romam Fatis.

The Gauls march againſt Rome.

The report immediately ſpread throughout the whole army. The retreat was immediately ſounded. The ſiege of Cluſium was raiſed, and the Gauls thought only of avenging themſelves upon the Romans. Many were for marching directly to Rome. But the advice of the elder perſons prevailed, and it was much the wiſeſt. They were of opinion, that it was proper to begin by ſending deputies to Rome, to complain of what had happened, and to demand,

mand, that the Fabii ſhould be delivered into their hands, for having violated the law of nations. After the deputies had made their complaints, and added their demand, the Senate was much perplexed how to act. They did not approve the action of the Fabii, and deemed the demand of the Barbarians juſt; but a vicious complaiſance for young perſons of their high birth, prevented the Senators from reſolving as they well perceived there was a neceſſity for them to do. To extricate themſelves out of this difficulty, and to avoid being anſwerable for the conſequences, with which a war with the Gauls might be attended, they referred the affair to the deciſion of the People. Far from ſatisfying the Gauls, by puniſhing the embaſſadors as they deſerved, the People carried their imprudence and folly to that exceſs, as to reward them by nominating them Military Tribunes for the following year, as if expreſsly to inſult the Barbarians. The deputies, full of indignation, as one may well judge, and breathing nothing but war and revenge, returned to the army. Q. Sulpicius Longus, Q. Servilius, IV. Serv. Cornelius Maluginenſis, were elected collegues to the Fabii. A. R. 364. Ant.C. 388.

The Three FABII, &c.

A. R. 365. Ant.C. 487. Liv. l. 5. c. 37—49. Plut. in Camill. 137—144. Diod l. 14. p. 322—324.

On the approach of ſo great a danger, as that which actually menaced the commonwealth, Rome, which in the wars againſt the Fidenates, Veientes, and other ſtates in the neighbourhood, had often had recourſe to the laſt and moſt vigorous of meaſures, in appointing a Dictator; in the preſent conjuncture, when an unknown and terrible enemy was advancing to attack it, that city, as if ſeized with a lethargy, uſed no extraordinary

A. R. 365. Ant. C. 387. extraordinary methods for its ſafety: (*a*) ſo much, ſays Livy, does Fortune blind men, when ſhe is unwilling that they ſhould avert her impending purpoſes.

When the Gauls were informed, that the violators of the law of nations, inſtead of the puniſhment they deſerved, had been raiſed to the firſt dignities of the ſtate, they were ſeized with rage; for patience was not the character of that nation, and immediately began their march. Their number, their appearance, their prodigious ſtrength, and the fury that appeared in their aſpects, ſpread terror and diſmay in all the places through which they paſſed, They however committed no acts of hoſtility, and did no violence. They only cried out aloud wherever they came, "That they were going to Rome, "that their deſigns were ſolely againſt the Ro-"mans, and that they were friends to all other "people."

The Romans who march againſt the Gauls are defeated at Allia.

The news of the impetuous march of the Barbarians, which rumour, and the couriers diſpatched by the Cluſini, and by other ſtates, had ſoon carried to Rome, occaſioned great alarm and conſternation. Troops were levied in haſte, and without choice, to the number of forty thouſand men. They advanced to the diſtance of four leagues from the city to meet the enemy, whom they found at the river of Allia, near the place where it empties itſelf into the Tiber. The army of the Gauls, which conſiſted of ſeventy thouſand men, covered the whole country: The hideous cries, or rather howling, which they raiſed according to their cuſtom, made the mountains at diſtance reſound, and occaſioned horror and confuſion.

Eleven miles.

(*a*) Adeo occæcat animos fortuna, ubi vim ſuam ingruentem refringi non vult. *Liv.*

The

The Military Tribunes took no care either to make choice of an advantageous poſt for their camp, or to fortify it with foſsés or paliſades, in order to ſecure their retreat in caſe of misfortune; and were as remiſs in reſpect to conſulting the Gods by the auſpices, and rendering them favourable by ſacrifices; eſſential ceremonies with a people full of ſuperſtition, that derived their courage and confidence from propitious omens, imparted to them by the augurs. Full of raſh boldneſs, they drew up their army in battle, the left ſuſtained by the river, and the right by a mountain at no great diſtance. They gave little depth and much front to their troops, to avoid being ſurrounded by the enemy, who were far more numerous than the Romans. But in extending their wings in that manner, they exceedingly weakened their main body. Upon their right was a ſmall eminence, where they poſted their reſerved troops. Brennus, general of the Gauls, apprehended That to be a ſtratagem, and that their deſign of it was, aſſoon as the battle began, to make that body of troops deſcend from the hill, and attack his army in flank and rear. He thought it neceſſary therefore to begin by charging that body of reſerve, convinced that if he could drive them out of that poſt, ſuperior as he was in number, he ſhould ſoon defeat the enemy in the open field: for nothing eſcaped his attention, and he acted in all things like a great captain. On the contrary, in the other army, neither the generals nor ſoldiers ſhewed any thing of the Roman character. They were ſeized on a ſudden with terror, and without attempting to fight, fled precipitately. The left wing, inſtead of making towards Rome, took the route of Veii, though they could not arrive there without paſ-

A. R. 365. Ant. C. 387.

ſing

A. R. 365. Ant. C. 387. ſing the Tiber. Only the body of reſerve made ſome reſiſtance in effect of the advantage of their poſt: but it ſoon gave way as well as the reſt. The ſlaughter was not made in the battle but the flight, becauſe thoſe who fled retarded each other. Moſt of the ſlain periſhed on the banks of the Tiber, whither the whole left wing retired, after having thrown down their arms. Many who did not know how to ſwim, or could not under the weight of their arms, were ſwallowed up in the waves. The reſt eſcaped to Veii, from whence they did not ſo much as think of ſending a courier to Rome, to carry the ſad news of their defeat, ſo far were they from being in a condition to give it aid. Part of their right wing arrived at Rome, and ſpread the report that the whole army had been cut to pieces, and ſo it was univerſally believed. This day was afterwards called *the battle of Allia*, and placed in the number of thoſe unfortunate days upon which no conſiderable affair was undertaken.

The Gauls advance to Rome. After ſo compleat a victory, if the Gauls had purſued the Romans vigorouſly, nothing could have prevented Rome from being entirely deſtroyed, and all thoſe within it from being put to the ſword. But ſtupified, and in a manner drunk, with the joy of ſo ſudden and unexpected a ſucceſs, they loſt three days in collecting the ſpoils which they found in the Roman camp, and in making merry. That delay ſaved Rome. The citizens who remained there, reſembled thoſe who had fled ſo abjectly at the battle of Allia in nothing, and took all the prudent meaſures poſſible in ſuch a ſtate of perplexity and confuſion. Seeing that there was no hopes of ſaving Rome with ſuch an handful of ſoldiers, they reſolved that the old men ſhould

A ſmall body of troops, and part of the Senate, retire into the Capitol.

remain

remain in the city, and that the flower of the Senate and People ſhould enter the citadel and Capitol, with all the gold and ſilver in the city, arms and proviſions, in order to be in a condition to defend the Gods, men, and the Roman name, from the top of that fortreſs. They charged the prieſt of Quirinus and the Veſtals with the care of carrying off the ſacred things, and placing them in ſafety, (*a*) being deſirous that the worſhip of the Gods ſhould not be diſcontinued, whilſt any remained to perform it. They ſaid, "That if the citadel and Capitol, "the auguſt abode of the Gods, the Senate that "formed the public council of the ſtate, and "the youth of age to bear arms, ſurvived the "ruin that menaced the city, the loſs of the "old men, an uſeleſs number that remained in "the place only to die there, did not deſerve "to be much regretted." And in order that this reſolution might give the leſs pain to the inferior people, the old men, venerable for their age, the Conſulſhips through which they had paſſed, and the triumphs with which they had been honoured, declared, "That they would "die with the other citizens of no uſe to the "commonwealth, and, as they were incapable "of bearing arms, and defending their coun-"try, that they would not conſume in vain the "proviſions of thoſe, whom their years and "ſtrength enabled to ſuſtain it." In this manner did the old men who were determined to die encourage and conſole themſelves.

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The Prieſts and Veſtals are charged with the ſacred things.

Courage of the old men who remain in the city.

They afterwards addreſſed their diſcourſe to the body of young people whom they followed to the Capitol and citadel, recommending to

(*a*) Nec ante deſeri cultum Deorum, quam non ſupereſſent qui colerent. *Liv.*

their

A. R. 365. Ant. C. 387. their ſtrength and bravery the fate of a city, which for three hundred and ſixty years had been victorious in all the wars ſhe had undertaken. It was the moſt affecting of ſights, to behold, on one ſide, thoſe who carried with them the whole hope and reſource of their country, and on the other, thoſe who were reſolved not to ſurvive its ruin, take their leaves of each other for ever, with a tenderneſs, and at the ſame time an elevation of courage, that no words can deſcribe. The mournful cries of the women were heard on all ſides, who not knowing to whom they ſhould addreſs themſelves, to their huſbands or children, ſometimes followed the one and ſometimes the other, aſking them with words interrupted with groans and ſobs, to what fate they were going to abandon them. The reſt of the populace whom the citadel could not contain within ſo narrow a compaſs, and ſtill leſs feed in ſo great a dearth of proviſions, quitted the city in throngs, and took their way towards Janiculum. From thence they diſperſed themſelves, ſome about the country and others into the neighbouring cities, without leaders to conduct or adviſe them, each following his own particular views, or abandoning himſelf to chance, without its being poſſible for them to form meaſures and reſolutions in concert.

In the mean time the prieſt of Quirinus and the Veſtals, ſolely intent upon taking care of the ſacred things confided to their cuſtody, conſulted together upon what it was proper to carry away, what leave behind, and in what place ſuch precious depoſites might be moſt ſecure. What could not be carried away, was put into two great caſks, and buried under the chappel of Quirinus. The Veſtals divided the reſt amongſt them,

them, and took the way of Janiculum by the wooden bridge. A. R. 365. Ant. C. 387.

Amongſt thoſe who fled there was a Plebeian called Lucius Albinus, who was driving off his wife, children, and moſt neceſſary moveables in a waggon. Aſſoon as he ſaw the Veſtals, carrying the ſacred things in their arms with great difficulty on foot, whilſt himſelf and his family were at eaſe, he could not ſuffer that contraſt, which ſeemed irreligious to him, and made his wife and children get down, threw out his goods, placed thoſe virgins in his carriage, and drove them to Cære, the place to which they intended to go: ſo much reverence did Rome in ſo general a calamity retain for religion, and ſo well did ſhe know how to ſupport the preference due to divine things in reſpect of every thing whatſoever merely human. *Piety of Albinus in regard to the Veſtals, who take refuge at Cære.*

Whilſt all this paſſed, and after the citadel had been as well ſupplied with every thing neceſſary for a good defence as the preſent conjuncture would admit, the old men, that is to ſay, ſome Pontiffs, and ancient Senators honoured either with triumphs or Conſulſhips, not being willing to ſurvive either their country or paſt glory, preferred the death that waited them there to an uncertain and ſhameful retreat. But in order to retain to their laſt breath the marks of a dignity upon the point of expiring with them, they dreſſed themſelves in their robes of purple and habits of ſtate, and took their ſeats in their ivory chairs, each in the porch of his houſe. Some authors ſay, that they devoted themſelves for their country in the ſame manner and form as the Decii did afterwards. *The ancient Senators ſeat themſelves at their doors, dreſt in their robes of ſtate.*

Brennus arrived at Rome three days after his victory. Surprized to find the gates of the city open, the walls without defences, and all things *The Gauls find Rome almoſt entirely abandoned.*

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as quiet as in profound peace, he ſuſpected ſome ſtratagem. At length the continuance of that calm re-aſſured him. As two days had paſſed ſince the battle, which had not been very warm, and the Gauls did not take Rome by force, they entered it without the ardor and fierceneſs, which generally attend the taking of cities by ſtorm, and advanced through the gate Collina to the Forum, caſting their eyes on all ſides towards the temples of the Gods, and the citadel, which alone had ſome appearance of war. Having poſted ſome troops to keep guard there againſt any ſallies, that might be made from the citadel or Capitol whilſt they were employed in plundering, they diſperſed themſelves into the different quarters of the city, finding the ſtreets every where empty and abandoned.

Maſſacre of the antient Senators.

After ſome excurſions, they returned to the Forum. All the houſes of the common people were ſhut, only ſome of a greater appearance than the reſt were open. The Gauls entered them, and found the old men there, who had devoted themſelves to death. This kind of devoting themſelves was a part of religion, and the Romans were convinced, that the voluntary ſacrifice made by their generals of their lives to the infernal gods, occaſioned diſorder and confuſion to the enemy. The Gauls admired thoſe old men, as they ſate with all the ornaments of the dignities through which they had paſſed in their ivory chairs, whilſt they kept a profound ſilence, and neither roſe up at the approach of the enemy, nor changed countenance, but continued calmly ſupporting themſelves on their ſtaffs of ivory, without expreſſing the leaſt ſign of fear. Aſtoniſhed at ſo ſurprizing a ſight, they continued long without daring either to approach, or touch them; not only the auguſt purple of their robes, and the extra-

extraordinary ſplendor of their appearance, but the grave and majeſtic air of their countenances, making the Gauls behold them as ſo many Divinities. One of them, bolder than the reſt, approached M. Papirius, and gently ſtroked his beard, which was very long, according to the cuſtom of thoſe times. Papirius on that freedom ſtruck him with his ſtaff over the head, which ſo much enraged the ſoldier, that he drew his ſword and killed him. This was in a manner the ſignal for the ſlaughter. They then killed all the reſt of the old men upon their ſeats, put all they met to the ſword who had not been able to eſcape, plundered the city, and ſet it on fire in ſeveral places. A. R. 365. Ant. C. 387.

It however did not appear to be the deſign of the Gauls to deſtroy the city of Rome entirely; but to induce the beſieged, by the ſight of their ſmoking houſes, to ſurrender. The flames in conſequence did not do all the havock the firſt day there was reaſon to fear. The Romans, ſhut up in the Capitol, and who from thence ſaw the enemy diſperſed all over the city, followed all their motions with their eyes, ſtruck every moment with new matter of terror: and in the higheſt anguiſh on all they ſaw and heard, were quite out of their wits, and ſtupified with their grief. They turned their eyes ſometimes on one ſide, ſometimes on another, according as the cries of the Gauls, the ſhrieks of women and children, the glare of the flames, and the craſh of falling houſes, denounced ſome new diſaſters, and ſeemed placed expreſly on the top of the Capitol to be the ſad ſpectators of the ruin of their country. *The Gauls ſet fire to the city.*

This firſt day ſo full of trouble and agitation, was followed by a night, which the horror of darkneſs rendered ſtill more terrible; and every

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day only added ſome new misfortune to that which went before it. However, overwhelmed with ſo many evils, with the whole city on fire before their eyes, they continued obſtinately determined to defend to their laſt drop of blood, and lateſt breath, the little hill confided to their valour, the only aſylum and laſt hope of Rome's preſervation and liberty. The continual view of ſo dreadful a ſcene, which every day repeated itſelf to their eyes, had inured them in ſuch a manner to their own calamities, that they ſeemed entirely inſenſible of them, and regarded no longer any thing but their arms and ſwords, their only hope and reſource from thenceforth.

They are repulſed in attacking the Capitol.

The Gauls on their ſide, who for ſome days had made war only upon the houſes by burning them, in hopes that the flames and ruins of the city would induce the beſieged to ſurrender, ſeeing them inſenſible to all theſe evils, and reſolved to defend themſelves to the laſt, determined to attack them in form. Having therefore given the ſignal at day-break, and drawn up their army in the Forum, they advanced in good order to the hill with great cries, covering their heads with their ſhields in the form of tortoiſes againſt the darts and ſtones that might be diſcharged upon them from above. The Romans, without trouble or confuſion, after having poſted guards on all the avenues, and diſpoſed their beſt troops againſt the attack, ſuffered the enemy to aſcend, concluding that the higher they advanced, the more eaſy it would be to drive them down the ſteep declivity. Accordingly they halted in the midſt of the deſcent, and falling upon the Gauls with impetuoſity from that eminence, bore them down and entirely routed them, ſo that from thence-

forth,

forth, diſmayed by ſo vigorous a defence, they were afraid to expoſe themſelves to the danger of a ſecond attack. In conſequence, having loſt all hopes of carrying the citadel by aſſault, they turned the ſiege into a blockade, and the rather becauſe not having judged that it would be ſo long, they had not taken the precaution to preſerve the corn that was in the city, but had let it burn with the houſes; and as for that in the country, the Romans were no ſooner arrived at Veii, than they took care to carry it into that place. A. R. 365. Ant. C. 387.

Camillus defeats a conſiderable detachment of the Gauls near Ardea.

The Gauls therefore divided their army. Part of it remained with Brennus their king, to continue the ſiege; the other, in detached parties, diſperſed themſelves about the country to forage, and to plunder the villages, with extreme confidence in their good fortune. Chance conducted the greateſt body of theſe towards the city of Ardea, where Camillus ſince his baniſhment had lived as a private perſon, more afflicted for the misfortunes of Rome, than for his own. He could not comprehend any thing of what had lately happened to his country, and in the greateſt ſurprize aſked himſelf, what was become of thoſe Romans who had taken Veii and Falerii with him, and who in all wars had ever been more couragious even than ſucceſsful. In the midſt of theſe ſad reflections, he was informed that the army of the Gauls approached, and that the people of Ardea, trembling and in the higheſt affliction, were deliberating upon the meaſures it was neceſſary for them to take. Camillus, as it prompted, ſays Livy, by ſome divine impulſe, immediately repaired to the aſſembly, where it was not his cuſtom to appear, and ſeeing them in great perplexity and diſcouragement: *People of Ardea,*

A. R. 365. Ant. C. 387. said he to them, *always my friends, and now my fellow-citizens, if you ſee me appear in this place contrary to my cuſtom, do not believe that I have forgot my preſent ſtate and ſituation; but the danger which threatens us, obliges every one to do his utmoſt to provide againſt it. And indeed when will it be in my power to be grateful for the important ſervices you have done me, if not at preſent; and in what can I be of uſe to you, if not in war. It was by that I ſupported my credit in my own country. After having been always ſucceſsful in arms, my ungrateful citizens expelled me during peace. As for you, Ardeates, fortune preſents you a fair occaſion of expreſſing your gratitude to the Roman People for all the favours you have received from them, of which your own remembrance makes it needleſs for me to put you in mind; and at the ſame time to acquire your city immortal glory by the defeat of the common enemy. The Gauls, who are advancing hither in great bodies, are a nation to whom nature has given greatneſs of ſize, and impetuoſity of courage, rather than firmneſs of body and conſtancy of mind; and in conſequence they carry with them more terror than force to battle. Their victory itſelf, and preſent conduct, are a good proof of what I ſay. If they defeated us at the battle of Allia, that ſucceſs is not to be aſcribed to their bravery, but to fortune, who upon that occaſion diſplayed her whole power. What have they ſince done? They have made themſelves maſters of a city, which they found entirely open. An handful of ſoldiers, who ſhut themſelves up in the Capitol, make head againſt them. Diſguſted by their reſiſtance, the ſiege appears already too long and tedious to them: they remove from it, and diſperſe themſelves over the country. Full of meat and wine, with which they haſtily glut themſelves, aſſoon as night comes on, they*

Τῆς τυχῆς ἐπίδειξιν ἠγεῖσθαι χρή.

they lie down upon the earth like beaſts along the ſides of rivers, without intrenchments, guards, or ſentinels; and their late ſucceſs ſerves only to augment their cuſtomary negligence. If you would defend your city from being attacked by them, and prevent the whole country from falling into their hands, take arms in the middle of the night, and follow me, not to a battle, but a certain ſlaughter. If I do not put the Gauls faſt in the bonds of ſleep into your hands to be butchered at diſcretion, like ſo many brute beaſts, I conſent to be treated at Ardea as I have been at Rome. A. R. 365. Ant. C. 387.

Every body knew that Camillus was the greateſt captain of his time, and he found no difficulty in perſuading the Ardeates. The Gauls returning laden with ſpoils, encamped in diſorder and with abundance of negligence; and both officers and ſoldiers had no thoughts but of drinking; not believing they had any other enemies, except thoſe ſhut up in the Capitol. Night found them full of liquor, and brought a deep ſleep upon them. Camillus, informed of their condition by thoſe he had ſent to view them, made his troops quit Ardea, and having marched all the way between the enemy and that city, arrived where they lay about midnight. At firſt he made all his troops raiſe great cries, and commanded the trumpets to ſound to terrify the Barbarians, who on ſo great a noiſe ſcarce recovered from their ſleep and drunkenneſs. It was not a battle but a ſlaughter. Whilſt they ſtarted up half aſleep, they were killed without reſiſtance. Some endeavouring to eſcape by flight, threw themſelves into the enemy's hands. The greateſt part of them, who had eſcaped into the country of Antium, were killed by the inhabitants, who fell upon, and cut them to pieces.

A. R. 365. Ant. C. 387. *Defeat of the Tuſcans.*

The Tuſcans experienced a like fate in the territory of Veii, and they deſerved it ſtill better than the Gauls. Far from being moved with the misfortune of a city, ſettled almoſt four hundred years in their neighbourhood, and ruined by an enemy unknown till then, they made incurſions at that very time into the lands of Rome, and laden with booty, had even formed the deſign of attacking Veii, the laſt reſource of the Romans who had retired thither. Some ſoldiers perceived them, and obſerved their camp at no great diſtance. They gave their companions advice of it, who were ſeized with indignation, and were immediately for marching againſt them. The Centurion Cædicius, whom themſelves had choſen for their chief, checked their ardour, and made them ſuſpend it till night. The name and authority of Camillus were all that were wanting on this occaſion; all the reſt was conducted with the ſame good order, and had a like ſucceſs. The next day alſo they obtained a ſecond advantage over another body of Tuſcans ſtill greater than the firſt; and with that double victory returned exulting and triumphant to Veii.

Pious and bold action of Fabius Dorſo.

In the mean time the ſiege of the citadel was continued, and both ſides remained without acting, the Gauls being ſolely intent upon preventing any one from quitting the place, and paſſing their guards. Things being in this ſituation, a young Roman, by an action of exceeding boldneſs, drew upon himſelf the admiration as well of the enemy as of his own citizens. There was a ſacrifice peculiar to the houſe of the Fabii, which was to be made on a certain day upon mount Quirinalis. C. Fabius Dorſo, dreſt in a robe ſuitable to this ceremony, came down from the Capitol, carrying the

the ſacred things in his hands, paſſed through the enemies guards, without regard to the noiſe and expreſſions they uſed, and arrived at mount *Quirinalis*. After having performed there all the neceſſary ceremonies, he returned by the ſame way with equal gravity, and entire confidence that he ſhould not fail of the protection of the Gods, whoſe worſhip he preſerved at the hazard of his life. He returned happily to the Capitol: whether (*a*) the Gauls were amazed at the boldneſs of an action that had ſomething of prodigious in it, or were actuated alſo by a ſenſe of religion, to which that nation, as Livy obſerves here, were by no means inſenſible. A. R. 365. Ant. C. 387.

Camillus is declared Dictator by the Senate.

The fame of the victory gained by Camillus over the Gauls ſoon ſpread through all the neighbouring cities, and inclined great numbers of youth to join that general, and eſpecially the Romans who had taken refuge at Veii after the battle of Allia. All theſe troops joined together formed already a ſufficiently numerous army. They only wanted a chief, and had not long to deliberate upon the perſon. They unanimouſly ſent deputies to Camillus, to deſire him to take upon him the command as general.

He replied, that he would not accept it, till the citizens in the Capitol had confirmed their choice by their ſuffrages: that as long as they were in being, he ſhould conſider them as the body of the commonwealth, and obey them with entire ſubmiſſion; ſo much (*b*) did decency ſway in all things, and ſo exactly was the order preſcribed by the laws obſerved, even at a time

(*a*) Seu attonitis Gallis miraculo audaciæ, ſeu religione etiam motis, cujus haudquaquam negligens eſt gens. *Liv.*

(*b*) Adeo regebat omnia pudor, diſcriminaque rerum prope peditis rebus ſervabantur. *Liv.*

wherein

A. R. 365. Ant. C. 387. wherein every thing was in a manner entirely loſt and deſperate.

The wiſe reſerve and noble deference of Camillus to the cuſtoms of the ſtate were admired: but there was nobody to carry the news to the Capitol. It even ſeemed entirely impoſſible for any one to find entrance into a citadel, ſhut up ſo cloſe by enemies, who were maſters of the city. A young Roman, named Pontius Cominius, undertook that important but dangerous commiſſion. Supported by corks he ſwam down the Tiber, came to the gate *Carmentalis*, where the ſilence was greateſt, and on the ſide of which the aſcent to the Capitol was ſteepeſt. He clambered up the rock without being perceived, and arrived not without great danger and difficulty at the poſts of the firſt ſentinels. After having told them his name, they received him with joy, and carried him to the magiſtrates. The Senate immediately aſſembled. Pontius returned by the ſame way with the like good fortune, and carried back the decree of the Senate to the Romans, which gave them great joy. Camillus immediately put himſelf at the head of the army.

The geeſe ſave the Capitol.

Whilſt what I have juſt related paſſed at Veii, the citadel and Capitol were in extreme danger. The Gauls, whether they had perceived ſome prints of a man's foot at the places where Pontius had paſſed, or had diſcovered of themſelves that the rock was not ſo impracticable as it was believed, undertook to aſcend it. At midnight they began to climb it in files, laying hold of the herbage and buſhes which grew upon the ſides, and whatever elſe they could faſten on, and aſſiſting one another with their hands as much as poſſible in places of ſuch difficulty. They got in this manner to the foot

of the wall, which was not very high on that ſide, A. R. 365. Ant.C. 387. becauſe the ſteepneſs of the place made it ſeem in no danger of attack. (*a*) This they did with ſuch ſilence, that they not only did not awake the ſentinels, but even the dogs, animals apt to ſtir at the leaſt noiſe. They did not however deceive the geeſe. Out of reſpect for Juno, to whom they were conſecrated, the Romans, in an extreme dearth of proviſions had ſpared and abſtained from eating them. M. Manlius, who had been Conſul three years before, awakened by the cry of the geeſe, and the beating of their wings, gave the alarm. Whilſt others were aſſembling, he ran to the wall, and with his buckler beat down one of the Barbarians, who had already laid hold of the battlements in order to enter the citadel, and threw him down the precipice. His fall occaſioned that of ſeveral that followed him. The Romans, with ſtones and darts, precipitated all the reſt from the top to the bottom of the rock. In this manner the citadel was ſaved.

The tumult being appeaſed, the remainder of the night was devoted to repoſe, as much as that was poſſible after ſo great an alarm. The next day at ſun-riſe the aſſembly was ſummoned. Manlius received the praiſes he had ſo well deſerved. Both the officers and ſoldiers believed themſelves obliged to inſtance their gratitude for him, and each gave him what they were allowed for one day's proviſions, that is to ſay, half a pound of wheat, and a quarter of a pint of wine: a reward (*b*) ſmall in itſelf, but one which

(*a*) Tanto ſilentio in ſummum evaſere, ut non cuſtodes ſolùm fallerent, ſed ne canes quidem, ſollicitum animal ad nocturnos ſtrepitus, excitarent. *Liv.*

(*b*) Rem dictu parvam: cæterùm inopia fecerat eam argumentum

A. R. 365. Ant. C. 387. which the extreme ſcarcity of proviſions made very conſiderable, and which ſhewed how dear Manlius was to the whole army; each conſenting with joy to retrench from his own neceſſaries in order to do honour to one man.

The ſentinels of the poſt by which the enemy had crept to the top of the citadel, were afterwards cited to anſwer for themſelves. Q. Sulpicius, who commanded in chief, condemned them all to die according to the laws of military diſcipline. But all the ſoldiers laying the fault upon one only, Sulpicius ſpared the reſt, and cauſed the criminal to be thrown down from the top of the rock. The guards from thenceforth were kept on both ſides with much greater vigilance and attention.

The Gauls, tired with the length of the ſiege, which had already continued ſix months, began to loſe courage. Famine made itſelf ſenſible in their camp, almoſt as much as in the citadel. Camillus had ſeized all the paſſes, and the Gauls could not diſperſe in queſt of forage, without expoſing themſelves to the danger of being cut to pieces. Thus Brennus, who beſieged the Capitol, was in ſome meaſure beſieged himſelf, and ſuffered the ſame inconveniences which he made the beſieged undergo. Beſides which, the peſtilence was in his army, in conſequence of its being encamped in the midſt of heaps of dead bodies piled upon each other, and amidſt the ruins of houſes burnt down, of which the aſhes, that lay very deep, corrupted the air in ſuch a manner by their dryneſs and acrimony, when driven by the wind and heated

a gumentum ingens caritatis, cùm ſe quiſque victu ſuo fraudans, detractum corpori atque uſibus neceſſariis ad honorem unius viri conferret. *Liv.*

by

by the ſun, that the troops reſpired nothing but a ſubtile poiſon, which preyed upon their vitals. That exceſs of heat, the more inſupportable to the Gauls, as they were accuſtomed to live in cold and covered countries, and were actually now in low unwholeſome places, eſpecially in autumn, occaſioned ſo furious a plague in their camp, that they buried the dead no longer, the number of them was become ſo great. A. R. 365. Ant. C. 387.

This extremity of the Gauls did not render the condition of the beſieged the better. The famine, which augmented every day, diſtreſſed them on one ſide; and on the other the ignorance of what Camillus was doing, for they could receive no advice from him, gave them the moſt cruel anxiety.

The beſieged are reduced to extremities and capitulate.

Things being in this condition, both ſides agreed upon a ſuſpenſion of arms, during which, by the conſent of the Generals, the troops had frequent intercourſe with each other. As the Gauls relied exceedingly upon the extreme ſcarcity of proviſions in the Capitol, and did not doubt in conſequence that the Romans would ſoon be reduced to ſurrender, the latter to remove ſuch thoughts, and obviate that confidence, cauſed loaves to be thrown from ſeveral parts of the Capitol into the poſts of the Barbarians.

But this ſtratagem, far from diminiſhing the famine, augmented it, and roſe to ſuch an height, that it was no longer poſſible to ſupport it. Whilſt the Dictator was levying troops at Ardea in perſon, and had ordered L. Valerius, whom he had appointed general of the horſe, to march the troops from Veii, and was putting himſelf in a condition to attack the enemy with advantage; the army in the Capitol ſuffered exceſſively, and was reduced to the laſt extremities. Exhauſted by fatigue and watch-

A. R. 365. Ant. C. 387. watching, which continually ſucceeded each other, after having by incredible courage and fortitude ſurmounted all human evils, but not being able to reſiſt famine, inſuperable to nature, in expectation every moment of the arrival of ſome aid from the Dictator, they ſaw at length not only proviſions, but all hopes fail them, whilſt their feeble bodies were incapable of ſervice, though the ſame labours and watchings returned every day. The army, in this condition, demanded abſolutely either to ſurrender or to ranſom themſelves on ſuch conditions as they could, and the more becauſe the Gauls inſinuated clearly enough in their diſcourſe, that they would conſent to raiſe the ſiege in conſideration of no very great ſum of money.

With theſe general views, the Senate aſſembled, and gave the Military Tribunes full power to negotiate an accommodation, which was ſoon concluded between Sulpicius one of them, and Brennus king of the Gauls. It was agreed, that the beſieged ſhould pay a thouſand pounds weight of gold, after which the Barbarians ſhould withdraw their army out of the city and territory of Rome. Such was the price of a People deſtined one day to command the univerſe. Both ſides immediately applied to weighing the gold. The Gauls were not aſhamed to employ falſe weights in their ſcale, and when the Tribune complained of it, Brennus threw alſo his ſword into it, adding with a tone of raillery the moſt inſupportable of all expreſſions to a Roman, *Væ victis! Wo to the conquered!*

About 45000 l. ſterl.

Camillus arrives unexpectedly, and defeats the Gauls.

The injuſtice was too flagrant to take place, and the ſhame of living upon the terms of being ranſomed too great for the Romans. That very inſtant Camillus arrived unexpectedly with his army. He advanced with a good guard to the

the place of conference; and having been informed of what had paſſed: *Carry back that gold into the Capitol*, ſaid he to the deputies of the Romans; *and as for you, Gauls*, added he, *retire with your weights and ſcales; it is with the ſword only, that the Romans ought to redeem their country.* Brennus, ſurprized at that haughtineſs, which he had never experienced before from any Roman, repreſented to him, that he acted in contravention of a treaty concluded in all the forms. Camillus replied, that from the time he was declared Dictator, all treaties concluded without his participation, were entirely void: he then bade the Gauls prepare for battle. He exhorted his troops to remember, "That they were now to fight in the view of "the tutelary Gods of Rome, upon the very "ſoil of their native city; in a word, in the "midſt of all that was deareſt and moſt valu-"able to them in the world." He then drew up his army in the beſt order of battle poſſible, amidſt ruins, and on uneven ground, and omitted nothing that might conduce to his ſucceſs. The Gauls on their ſide ſtood alſo to their arms, and advanced to engage, prompted rather by their anger againſt the Romans, than prudence and counſel. A. R. 365. Ant. C. 387.

The (*a*) face of things was much changed now, ſays Livy; for the protection of the gods and human wiſdom united in favour of the Romans. In conſequence the Gauls were defeated at the firſt charge, with the ſame eaſe as themſelves had defeated the Romans at the battle of Allia. They were a ſecond time routed more compleatly by the ſame Camillus at eight miles *The Gauls cut to pieces in a ſecond battle.*

(*a*) Jam verterat fortuna: jam deorum opes humanaque conſilia rem Romanam adjuvabant. *Liv.*

from

A. R. 365. Ant.C. 387. from Rome, on the Gabinian way, whither they retired immediately after the firſt battle. There they were all put to the ſword, their camp plundered, and not one of them left to carry home the news of their defeat.

Thus was Rome, which had been taken in ſo ſurprizing a manner, recovered in a manner ſtill more ſurprizing, after having been ſeven months in the hands of the Barbarians: for they entered it on the fifteenth of July, and were driven out of it about the 13th of February.

Polybius relates the retreat of the Gauls in a very different manner from the account I have juſt given of it after Livy, and does not ſay a word of their being twice defeated. But that the reader may judge the better of what he ſays, I add the paſſage. "Soon after, the Gauls "having defeated the Romans and their allies, "in a pitched battle, and put them to flight, "they drove them on during three days as far "Rome, all of which they ſeized, except the "Capitol. But the Veneti having made an "irruption into their country, they made an ac-"commodation with the Romans, reſtored "them their city, and returned with the utmoſt "expedition to defend their own territory." We muſt obſerve here, that Polybius does not enter into a circumſtantial account of this great event, and contents himſelf with giving a general idea of it.

Camillus enters Rome in triumph.

Camillus returned in triumph to the city, which received him as the Deliverer of his country, bringing back Rome itſelf to Rome. For the Romans, who had been out of it during the ſiege, followed his chariot with their wives and children: and thoſe who had been beſieged in the Capitol, and had ſeen themſelves on the point of periſhing with hunger, fatigues, and miſery,

miſery, went out to meet them, and embracing each other, ſhed tears of joy for ſo amazing a ſucceſs, in reſpect to which they could ſcarce believe their eyes, ſo unexpected and improbable it ſeemed. The prieſts of the Gods, and the ſacred miniſters of the temples walked in the proceſſion, carrying all the ſacred things, which they had either buried when they fled from Rome, or carried away with them; and the Romans, intent upon a ſpectacle ſo grateful and ſo much deſired, felt the ſame pleaſure and joy, ſays Plutarch, as if the Gods in perſon had re-entered the city with them. A. R. 365. Ant. C. 387.

The day on which the ſame Camillus left Rome to go into baniſhment, ſeemed very different from this, when he entered it in the midſt of the cries of joy, and the applauſes of all the citizens. If we may believe Cicero, the firſt was no leſs for his glory: he ſpeaks of the great men who had been recalled from their baniſhment, and of Camillus in particular. "Their (*a*) diſgrace, ſays he, far from diminiſhing, ſerved only to exalt their glory. "For though it be more deſirable to paſs "through life without injury and affliction, "however, with reſpect to immortal glory, it "is better to be regretted and deſired by one's "country, than never to have been injured." Such is the language of Cicero, who always idolized glory. And we may add, that adverſity brings many virtues to light, which proſperity would have kept obſcure and concealed.

(*a*) Iis damnatis non modò non imminuit calamitas clariſſimi nominis gloriam, ſed etiam honeſtavit. Nam, etſi optabilius eſt curſum vitæ conficere ſine dolore & ſine injuria, tamen ad immortalitatem gloriæ plus affert deſideratum eſſe à ſuis civibus, quam omnino nunquam eſſe violatum. *Cic. Pro domo ſua, n.* 85.

A. R. 365. Ant. C. 387.

Reflections upon the taking of Rome.

The taking of Rome by the Gauls is one of the moſt famous events in the Roman hiſtory; and it is not (*a*) eaſy to ſay, whether it was more unhappy to the Romans through the extreme misfortunes and calamities with which it was attended, than glorious from the ſhining proofs of patience, fortitude, valour, and reſpect for religion, which they gave. But what ſeems moſt remarkable, and moſt worthy of our reflections, is the view of the ſecret ſprings which occaſion the loſs of battles, the ruin of nations, and the ſudden revolutions which happen in ſtates, when it pleaſes God to abandon them. This truth, ſo often inculcated in the holy Scriptures, is here clearly atteſted by the Pagans themſelves, and becomes evident if we conſider only the events.

Rome, at the time of which we are ſpeaking, was triumphant; and never had her glory and power appeared with greater luſtre. The conſiderable number of her troops, the invincible courage of her ſoldiers, the ability and reputation of her generals, and eſpecially of Camillus, the frequent victories recently gained over all her neighbours, ſeemed to have placed her in perfect ſecurity, and to have left her no room for fear and diſquiet. Rome however is in an inſtant taken, plundered and entirely burnt and deſtroyed. How then could ſo ſudden a change happen? Is Camillus dead? Does the Senate, ſo wiſe and prudent, ſubſiſt no longer? The Roman troops, are they annihilated in an inſtant? The victorious and invincible hands of the ſoldiery, are they benummed and ſtruck motionleſs only at the appearance of the Gauls?

(*a*) Quod tempus populo Romano neſcio utrum clade funeſtius fuerit, an virtutum experimentis ſpecioſius. *Flor. l.* 13.

This

This ſeems incredible, and however happened literally on the preſent occaſion. A. R. 365. Ant. C. 387.

God ſometimes deprives Generals of all courage and ability: he leaves Camillus thoſe advantages at this time, but renders them uſeleſs, by permitting the Romans to baniſh a citizen, whoſe preſence, if any human reſource might be relied upon, would certainly have prevented the taking of Rome: *Expulſo cive, quo manente, ſi quicquam humanorum certi eſt, capi Roma non potuerat.* Liv. 5. 33.

The Senate, that body ſo venerable for its wiſdom and the maturity of its deliberations (*a*), ſend as ambaſſadors to a ſtrange and unknown people, young Senators inconſiderate and violent, and more like the Gauls than the Romans. And afterwards inſtead of delivering them up to the Gauls, for having violated the law of nations in reſpect to them, it ſuffers them to be raiſed to the higheſt dignities of the ſtate.

But in what manner does the army behave at the battle of Allia? (*b*) Nothing that reſembles the Romans is to be ſeen either amongſt the Generals or the ſoldiers. There are neither (*c*) prayers, auſpices, nor ſacrifices before the battle; things never omitted by this people. No care was taken to chuſe a good camp, and

(*a*) Miſs legatio, ni præferoces legatos, Galliſque magis quam Romanis ſimiles, habuiſſet. *Liv.* 5. 36.

(*b*) In altera acie nihil ſimile Romanis, non apud duces, non apud milites erat. Pavor fugaque occupaverat animos——Ignotum hoſtem prius pene quam viderent, non modo non tentato certamine, ſed ne clamore quidem reddito, integri intactique fugerunt. *Liv. ibid. cap.* 38.

(*c*) Ibi Tribuni militum, non loco caſtris ante capto, non præmunito vallo —— non deorum ſaltem, ſi non hominum, memores, nec auſpicatò, nec litatò, inſtruunt aciem. *Liv. cap.* 38.

A. R. 365. Ant. C. 387. to fortify it well. Terror had ſeized every body. They could ſee nothing but the danger, and were ſolely intent upon avoiding it by the ſhorteſt way they could. Almoſt before they ſaw the enemy, all betook themſelves to flight, not only without ſtriking a blow, but without ſo much as having anſwered the cries of the enemy. I omit many other circumſtances of this kind, and many eſſential faults.

Is all this natural, and in the common order of human things? Is it poſſible not to diſcern here the effects of a peculiar Providence, and the manifeſt power of a ſupreme Being, (for that is the idea which we muſt ſubſtitute to the terms of *Deſtiny* and *Fortune* uſed by the Pagans) of God in one word, who, when he would puniſh nations, deprives them of courage, prudence, preſence of mind, judgment and attention to the moſt eaſy and moſt common things; and who makes them blind, to prevent them from ſeeing and avoiding the evils, into which it is his will to plunge them? *Urgentibus Romanam urbem fatis——Adeo occæcat animos fortuna, ubi vim ſuam ingruentem refringi non vult.* So Livy expreſſes himſelf upon the taking of Rome at this time. And Plutarch, in obſerving that the Gauls were not indebted to their valour for the victory gained over the Romans near the river Allia, adds, that it ought to be aſcribed ſolely to Providence, *which thought fit to diſplay its whole power in this event.* The expreſſion is remarkable Τῆς τυχῆς ἐπιδείξω ἰσχύος χάριν. He gives, as I have obſerved, the name of Fortune to the Divinity. God, according to Plutarch, took a kind of pleaſure in ſhewing on this occaſion, that he is omnipotent, that it is he who makes men all that they are, and that to ſhew how great their weakneſs, or rather nothingneſs

Liv. 5. 36, 37.

thingneſs is, he has only to abandon them to themſelves. Thoſe Romans, ſo proud of their power, wiſdom, courage, and intrepidity, are not to be known at the battle of Allia. Nothing is ſo imprudent and ſenſeleſs as their conduct before the battle, and nothing ſo abject and cowardly in the action itſelf. A. R. 365. Ant. C. 387.

Camillus himſelf, in ſpeaking ſome time after to the People, puts them in mind, that the taking of Rome, and all the misfortunes conſequential of it, had been the juſt puniſhment of the violation of the law of nations, committed by the Roman ambaſſadors in reſpect to the Gauls, and of the criminal negligence of the Romans, who had not only left that crime unpuniſhed, but had even rewarded it. (a) *Therefore*, added he, *both Gods and men have puniſhed us in ſo ſignal a manner, that our example may ſerve as a leſſon for all mankind.*

After God has humbled their pride in this manner, he reſtores them all their good qualities, and re-inſtates them in their former condition. If the Romans made an ill uſe of theſe leſſons, it is for us to make a better, and to learn the judgment which we ought to paſs upon the events that occur in hiſtory.

Inhabitants of Cære rewarded. Liv. 5. 50. Plut. in Camil. 144.

I return now to Camillus. As he was a religious obſerver of all the ceremonies relating to the worſhip of the Gods, he made the Senate paſs a decree to the following effect, " That all the " temples ſhould be re-eſtabliſhed and purified " with the uſual expiations, becauſe they had been " profaned by being in the hands of the ene- " my. That the right of hoſpitality ſhould " be eſtabliſhed between Rome and Cære, and

(a) Igitur victi, captique, ac redempti, tantum pœnarum diis hominibuſque dedimus, ut terrarum orbi documento eſſemus. *Liv.* 5. 51.

A. R. 365. Ant. C. 387.

" that the quality of Roman citizens, but without the right of ſuffrage, ſhould be granted " to the inhabitants of that place, becauſe they " had given refuge to the prieſts, and ſacred " things, of the Roman People, whereby the " worſhip of the Gods had ſuffered no interruption. That the games called *Ludi Capitolini*, " ſhould be celebrated in gratitude to the great " Jupiter, who in the midſt of the misfortunes " that had happened, had preſerved his auguſt " abode, and the citadel of the Roman People ; and that Camillus ſhould for that purpoſe appoint a certain ſufficient number of " perſons, inhabitants of the Capitol and citadel."

Temple erected to Aius Locutius.

To expiate alſo the negligence, which had prevented the Romans from regarding the voice in the night, that had given notice of the arrival and approach of the Gauls, it was decreed that a temple ſhould be erected in honour of the god *Aius Locutius* in the New-ſtreet, that is to ſay in the ſame place where M. Cædicius had heard that voice. *Aius Locutius*, ſignifies *a God who ſpeaks*. Cicero, who ſet a right value upon ſtories of this kind, is pleaſant upon this name: " This ſame (*a*) God, when nobody knew him, " talked and let people hear him, which occaſioned his being called *Aius Locutius :* but " ſince he has acquired himſelf a name, a temple and an altar, he ſays nothing, and is grown " dumb.

Honour rendered to the Geeſe. Plut. de fort. Rom. 325. Id. de Quæſt. Rom. 287.

The gratitude of the Romans extended even to animals. We have ſeen that the Geeſe ſaved the Capitol. A kind of proceſſion was inſti-

(*a*) Aïus iſte loquens, quando cum nemo nôrat, aiebat & loquebatur, & ex eo nomen invenit : poſtquam & ſedem, & aram & nomen invenit, obmutuit. *De Divin. l. 2. c. 69.*

tuted,

tuted, in which a gooſe was carried in triumph upon a ſplendid litter. This ceremony continued to be practiſed in Plutarch's time, who obſerves that the firſt care of the Cenſors, when they entered upon office, was to provide the fund for the ſubſiſtence of the ſacred geeſe, in reward for the important ſervice they had rendered the ſtate. In the ſame proceſſion a dog was carried faſtened to a gibbet. A. R. 365. Ant. C. 387.

After the duties of religion and gratitude were ſatisfied, it was neceſſary to think of rebuilding the city. This occaſioned great perplexity, the difficulties appearing unſurmountable. The city was deſtroyed, the houſes down, and the walls levelled, ſo that it was in a manner neceſſary to look for Rome in Rome itſelf. The People, who were in want of all things, and had more need of repoſe and relaxation after the many evils they had experienced, than of new fatigues in an undertaking that ſeemed entirely above their ſtrength, were exceedingly diſcouraged. The Tribunes, taking advantage of that general diſpoſition, renewed the propoſal they had already made, of removing to Veii, and of ſettling in that city, provided with every thing that could be deſired for the neceſſities and conveniencies of life. They added, "That it was to be a declared enemy to the "eaſe and happineſs of the Roman people, to "oppoſe a deſign ſo advantageous in itſelf, ſo "eaſy in the execution, and become abſolutely "neceſſary through the incapacity of the citi-"zens to re-inſtate the city." It is eaſy to conceive how much ſuch diſcourſes muſt pleaſe the populace, and exaſperate them againſt Camillus, who oppoſed their deſires. They talked loudly, "That for his particular ambition and "glory, he deprived them of a city entirely Plut. in Camill. p. 144.

A. R. 365. Ant. C. 387. "ready to receive them, and to which they "had nothing more to do than to remove. "That he obliged them to inhabit ruins, and "to rebuild thoſe frightful remains of the "flames, in order to be called, not only the "general and ſupreme magiſtrate of Rome, "but alſo its founder, to the great contempt of "Romulus, whom he aimed at diveſting of "that title."

The Senators, apprehending from hence the effects of a riſing diviſion, would not ſuffer Camillus to abdicate the Dictatorſhip before the end of the current year, as he intended, though no Dictator before him had ever continued lon-
Liv. l. 5. c. 50—54. ger than ſix months in that office. That great man, leſs ſenſible to the unjuſt complaints againſt him, than to the extreme danger of the commonwealth, repaired to the aſſembly, attended by all the Senators, and having mounted the tribunal for harangues, ſpoke to the People in the following terms. *Romans, the diſputes with the Tribunes are ſo inſupportable to me, that the only conſolation I had, when baniſhed to Ardea, was to conſider myſelf at a diſtance from them; and I was ſo ſtrongly confirmed in this way of thinking, that I was reſolved, even though the Senate and You ſhould recal me, never more to ſet foot in a city, where eternal diſcord prevailed between the two orders of the ſtate. That I have changed my conduct in returning, does not proceed from any change in my opinion, but ſolely from the intereſt of the public, which reduced me to it. The queſtion was not to re-inſtate myſelf in Rome, but to preſerve Rome itſelf, and to wreſt her out of the hands of the Barbarians. And I ſhould be ſilent at this inſtant, and remain quiet, if the ſame public intereſt did not oblige me to ſpeak. I lament your fate, Romans; I am ſenſible of its bitterneſs,*

and

and as ſenſible of it as it is poſſible to be. And who indeed would not be moved with the ſad condition to which you are reduced? But I am ſtill more affected with that to which ſome are for reducing you by the fatal counſel they give you. How! To abandon Rome, which gave us birth! To ſtifle in our hearts all love for our country: and what country, ye immortal Gods! Why then have we recovered it out of the hands of the enemy? But motives infinitely ſtronger ought to move you: I mean thoſe of religion and the Gods. (a) Their protection of Rome has appeared in theſe later times in ſo diſtinguiſhed a manner, that it ought for ever to baniſh from our minds all oblivion and neglect of divine worſhip. Do but recollect all that has happened to us of adverſe or proſperous for ſome years paſt, and you will diſcern, that every thing has ſucceeded with us, when ſubmiſſive and dutiful to the Gods; and every thing been unfortunate, when we deſpiſed them. A. R. 365. Ant. C. 387.

After having repeated ſeveral examples, Camillus continues to this effect. (b) *Having before our eyes ſo many monuments of the good and evil occaſioned by our reſpect and contempt of divine worſhip, do you perceive, Romans, into what an abyſs of crimes, ſcarce eſcaped as we are from the wreck of our faults and misfortunes, we are now going to plunge ourſelves? We inhabit a city built in conſequence of auſpices and auguries. There is no part of it, that is not conſecrated by ſome reli-*

(a) Tam evidens numen hac tempeſtate rebus affuit Romanis, ut omnem negligentiam divini cultus exemptam hominibus putem. Intuemini enim horum deinceps annorum vel ſecundas res, vel adverſas: invenietis omnia proſperè eveniſſe ſequentibus Deos, adverſa ſpernentibus.

(b) Hæc culti neglectique numinis tanta monumenta in rebus humanis cernentes ecquid ſentitis, Quirites, quantum vixdum ex naufragiis prioris culpæ cladiſque emergentes, paremus neſas?

gious

A. R. 365. Ant. C. 387. *gious ceremony. All our general aſſemblies, wherein we elect magiſtrates, and tranſact the affairs of the ſtate, have their peculiar place, out of which they cannot be legally held. We have not only days, but places, fixed for our moſt ſolemn ſacrifices. Will you abandon, Romans, all this worſhip of the Gods, as well public as private? Will you change all theſe inſtitutions, as ancient, and ſome of them more ancient than our city? What a difference there is between you and the noble youth Fabius, who had the courage to paſs through the enemy's army to the Quirinal hill, to perform a religious ceremony peculiar to his family!*

But, ſomebody may ſay, that neceſſity obliges us to quit a city entirely reduced to aſhes, and to take refuge in Veii, where we ſhall find all conveniences, without having occaſion to harraſs the poor people with works and expences, which they are not capable of ſupporting. This, Romans, is a vain pretext, a falſe allegation. Did not your Tribunes make you the ſame propoſal before the arrival of the Gauls, and whilſt the city was whole and unburt. Should the Gauls, whoſe multitudes are ſaid to be innumerable, repaſs into Italy; and, not to mention them, ſhould the Æqui and Volſci, your perpetual enemies, think fit to ſettle in this city when you have abandoned it, would you, to ſpare yourſelves the pains of rebuilding your houſes, would you ſuffer them to become Romans, and yourſelves only burghers of Veii? Were it not better, if the thing were not otherwiſe poſſible, to dwell here in poor cottages, like that of our founder, in the midſt of our houſhold-Gods, and the temples ſtill in being, than to condemn ourſelves to a public and univerſal baniſhment? Why ſhould all of us together refuſe to do that in a general conflagration, which each would do in his private capacity, were his houſe accidentally burnt down? You

may

may indeed, Romans, carry your valour and bravery elſewhere; but can you carry thither the protection of the Gods, and the privileges they have promiſed and attached to the city of Rome? It is here that thoſe Gods declared, when the head of a man was found in digging the foundation of the Capitol, that the capital of the world ſhould be built. It is here the two Divinities, Youth and the God Terminus, in refuſing to remove, ſignified that the ſeat of an empire ſhould be eſtabliſhed, which ſhould have neither bounds nor end. It is here thoſe ſacred pledges of the eternity of Rome, the fire of Veſta, and the bucklers which fell from heaven, are kept. In a word, it is to your continuance in this city, that the divine oracles have attached your glory, proſperity, and power. A. R. 365. Ant. C. 387.

All theſe motives, eſpecially thoſe of religion, ſtrongly affected the People. But a word pronounced without deſign entirely determined them. Some moments afterwards, a Centurion, who was returning with his company from duty, called out to him who carried the enſign: *Halt here, and plant your colours: This is the beſt place for us to ſtay in.* Both the Senate and People cried out unanimouſly, *they accepted the omen*; and that expreſſion uttered by chance, but turned into a preſage, had more effect than the moſt ſolid reaſons. Veii was no longer thought of; and ſo wonderful a change enſued in the minds of the People, that they mutually exhorted and encouraged each other to apply to the work. The public ſupplied them with tiles, and permitted them to take ſtone and other materials wherever they could find them. All began to build with great ardour, without regard either to diſtrict or order, every one ſeizing ſuch place as ſeemed either more commodious for building, or moſt agreeable. This great precipitation Liv. l. 5. c. 55. Plut. in Camill. p. 145.

A. R. 365. Ant. C. 387. pitation occaſioned no regard to be had either to the regularity of the ſtreets, or the diſpoſition of the houſes. From whence it happened that the ancient ſewers (*cloacæ*) which at firſt only ran through the midſt of the ſtreets and public places, were afterwards under private houſes, which muſt have made them very unhealthy. In leſs than a year the whole city was rebuilt from the walls to the laſt houſe of the meaneſt particular.

The commonwealth gave an houſe upon the Capitol to Manlius, as a monument of his valour, and of the gratitude of his country.

THE

THE ROMAN HISTORY.

BOOK THE SEVENTH.

THIS ſeventh book contains the ſpace of twenty-ſeven years, from the year 366, when Rome was taken, to the year 393. The principal events are, the great actions of Camillus, the puniſhment of Manlius thrown down from the Tarpeian rock, the Conſulſhip granted to the Plebeians, the inſtitution of the games called *Ludi Scenici*, and different victories over the Gauls.

SECT. I.

Fabius is cited to take his trial for having violated the law of nations in reſpect to the Gauls. An exact enquiry is made after the laws and treaties. The Volſci, Æqui, and Hetrurians, arm againſt Rome. Camillus is declared Dictator, defeats, and triumphs over all thoſe people. The citizens, ſettled at Veii, are recalled to Rome. Four new tribes are inſtituted. Camillus terminates the war againſt the Antiates with ſucceſs. War with the Volſci: they are defeated by the Dictator Coſſus. Manlius attempts to make himſelf King. The Dictator impriſons him. The People murmur. Manlius is enlarged. He re-

re-commences his intrigues. He is cited before the People, condemned to die, and thrown from the Tarpeian rock. Obſervations upon the names of the Romans.

Liv. l. 6. c. 1.

LIVY, in beginning the ſixth book of his hiſtory, owns, that the events which he has related from the foundation of Rome by Romulus to its being taken by the Gauls, admit great difficulties, as well in effect of the remoteneſs of times, which occaſions great obſcurity, as becauſe in thoſe early ages there were few writings, the only faithful depoſitories of facts, and that the little concerning them preſerved either in the annals of the Pontiffs, or in other monuments public or private, had in a great meaſure been conſumed by the flames at the burning of Rome. The ſame hiſtorian adds, (*a*) that the facts he is going to relate from the rebuilding, and in a manner ſecond birth of Rome, which will every day receive new augmentations, will from thenceforth be much clearer and more certain.

A. R. 366. Ant. C. 386.

L. VALERIUS POPLICOLA, II. L. VIRGINIUS, &c.

Fabius is cited to take his trial for having violated the law of nations.

The Military Tribunes were no ſooner entered upon office, than one of the Tribunes of the People cited Q. Fabius to take his trial, for having put himſelf at the head of the Cluſini contrary to the law of nations, when he was ſent embaſſador to the Gauls. His death, which happened ſo opportunely that it was believed voluntary, ſpared him that trial.

Liv. l. 6. c. 1—5. Plut. in Camill. p. 145—147.

(*a*) Clariora deinceps certioraque ab ſecunda origine velut ab ſtirpibus lætiùs ſeraciuſque renatæ urbis, geſta domi militiæque exponentur.

One

A. R. 366. Ant. C. 386.

One of the firſt cares of the magiſtrates afterwards, was to make a ſtrict ſearch for the (1) laws and treaties: for many of them were preſerved. The firſt treaty between the Carthaginians and Romans, which Polybius has preſerved entire, was prior to the burning of Rome. It is very probable, that the Pontiffs and magiſtrates conveyed into the Capitol as many as they could of the annals, books of religion, and thoſe which contained the cuſtoms and maxims of the commonwealth. Some of theſe laws, when collected together, were made public: but as for thoſe which related to ſacred things and the worſhip of the Gods, the Pontiffs reſerved the keeping of them to themſelves, and kept the knowledge of them from the public, with the view of holding the minds of the multitude in ſubjection, and of having the greater aſcendant over them.

A ſtrict ſearch is made after the laws and treaties.

The People in the neighbourhood of Rome did not leave her long in tranquillity. The Volſci, her ancient enemies, took arms with the reſolution entirely to extirpate the Roman name. Advice alſo came by merchants, that all Hetruria was in motion, and preparing for war. But what gave moſt alarm was the news of the arming of the Latines and Hernici, who ever ſince the battle near the lake of Regillæ, that is to ſay, during an hundred years more or leſs, had continued firmly attached to the Romans. In the midſt of ſo many ſubjects of terror, as it was evident that the Roman name was become

The Volſci, Æqui, and Hetrurians, take arms againſt Rome. Camillus, declared Dictator, defeats and triumphs over them all.

(1) *The laws of the Kings and of the twelve tables had been written on braſs, and fixed up in the Forum. The treaties with ſeveral ſtates (according to the cuſtom of the ancients) had been engraven on pillars erected in the temples. What could not be found of thoſe monuments, was ſupplied by memory.*

not

A. R. 366. Ant. C. 386. not only hateful to the enemy, but contemptible amongſt the allies, recourſe was had to the uſual practice of Rome, and Camillus was declared Dictator, who appointed Servilius Ahala his general of the horſe. After having prohibited all judiciary proceedings, buſineſs, and labour, he levied the troops, liſting even the old men who had any remains of ſtrength to ſerve. He then divided his troops into three bodies. The one he oppoſed to Hetruria, and poſted it in the territory of Veii: he made the ſecond encamp near Rome; and with the third advanced againſt the Volſci near Lanuvium. They had taken the field with perfect aſſurance of conquering the Romans, whoſe troops they believed entirely cut to pieces at the battle of Allia. The name alone of Camillus ſtruck them with ſuch terror, that they kept cloſe in their camp, after having fortified it with ſtrong paliſades, and a fence of trees laid a-croſs. Camillus taking the advantage of a wind that blew directly upon the enemy's camp, cauſed abundance of combuſtibles to be got ready. Aſſoon as the ſun roſe, and the wind began to blow with violence, he made a falſe attack on the other ſide, and gave the ſignal to his troops. At that inſtant they poured an infinite number of flaming darts upon the intrenchments, which falling amongſt the trees heaped upon one another, ſet all immediately in a blaze. Moſt of the enemy periſhed either in the fire, or by the ſword. The Romans themſelves extinguiſhed the flames to ſave the ſpoils, which Camillus abandoned to them: a largeſs the more agreeable, as it was not expected from a general, who had never ſhewn himſelf liberal before in reſpect to the ſoldiers.

After

After this victory, Camillus ravaged the enemies country. He reduced the Volſci to ſurrender themſelves, defeated the army of the Æqui near the city of Bola, of which he made himſelf maſter, and immediately marched to the aid of the people of Sutrium, whom he expected to find beſieged by the Tuſcans. But they had ſurrendered, and on ſuch hard conditions, that they had been permitted to carry off only their cloaths. He met them on his way in that wretched condition, with their wives and children, who all in a body deplored their misfortune to him. He conſoled them, and made his troops advance without loſs of time, rightly conjecturing the condition in which he ſhould find the enemy. In conſequence, he not only paſſed the whole territory of Sutrium without being diſcovered, but was at the gates of the city, and had ſeized part of the walls, before the Hetrurians were apprized of his approach: for they had not poſted guards, but had diſperſed themſelves into the houſes, without any thoughts but of carouſing and diverting themſelves. They were ſo full of meat and wine, that moſt of them were not capable of flying, and either ſuffered themſelves to be ſhamefully killed without defence, or ſurrendered themſelves ſtill more ſhamefully. Thus Sutrium was reſtored before night, without having ſuffered any loſs or damage to its citizens; for the place had been taken by capitulation, and not aſſault. A. R. 366. Ant. C. 386.

Camillus, having terminated three wars in a ſhort time, entered Rome in triumph. A great number of Hetrurians whom he had taken priſoners, were led before his chariot. So conſiderable a ſum was raiſed by the ſale of them, that it ſufficed to repay the ladies the gold,

A. R. 366. Ant. C. 386.

which they had generouſly lent the ſtate, and with the reſt three gold vaſes, inſcribed with the name of Camillus, were made, which were placed in the chapel of Juno in the Capitol.

Such of the Veientes, Capenates, and Faliſci, as had gone over to the Romans during the wars of which we have juſt ſpoke, were rewarded with the freedom of the city, and lands were aſſigned thoſe new citizens.

The citizens ſettled at Veii are recalled to Rome.

Many particulars, to ſpare themſelves the trouble of rebuilding their houſes, had ſettled at Veii, where they found them ready for their reception. They were ſummoned by a decree of the Senate to return to Rome. (*a*) At firſt they made ſome difficulty in complying, and, as they believed themſelves very ſtrong, becauſe well united amongſt themſelves, they anſwered in a tone that ſeemed to breathe revolt. The Senate fixed a time for their return, upon pain of death to ſuch as diſobeyed. The danger become perſonal, awed them into ſubmiſſion; and all complied.

The buildings in the mean time advanced conſiderably, becauſe the ſtate was at part of the expence; the Ædiles puſhed the work forward exceedingly, and particulars urged by neceſſity, gave themſelves no relaxation. Before the end of the year, the whole was compleated, and the new city entirely finiſhed. Some time after the Capitol was alſo repaired.

(*a*) Et primò fremitus fuit aſpernantium imperium. Dies deinde præſtituta, capitaliſque pœna, qui non remigraſſet Romam, ex ferocibus univerſis ſingulos metu ſuo quemque obedientes fecit. *Liv.*

T. QUIN-

A. R. 367.
Ant.C. 385.

T. QUINTIUS CINCINNATUS.

Q. SERVILIUS FIDENAS.

L. JULIUS JULUS, &c.

Nothing conſiderable paſſed this year. Some ſmall towns were taken from the enemy, and the Tribunes of the People made ſome ſtir.

The year following four new tribes were inſtituted, which made the number twenty five in all. *Four new tribes inſtituted.*

M. FURIUS CAMILLUS, &c. A. R. 369. Ant.C. 383.

The war with the Antiates, who were ſupported by the Latines, gave Rome ſome alarm. But the name alone of Camillus, who was this year in office, calmed people's apprehenſions. Every body ſaid, "That had he been a private perſon, it would have been neceſſary to "have created him Dictator: and his collegues declared, "That in caſe of war, he was capable of conducting every thing alone; that they "were reſolved to ſubmit their authority entirely to his; and that they did not believe it "any diminution of their dignity, to give "place to that of a collegue ſo much their ſuperior." The Senate gave the Military Tribunes great praiſes. Camillus, on his ſide, confounded at a conduct ſo much for his honour, and ſo rare an example of love for the public good, expreſſed his acknowledgment in the ſtrongeſt terms. He ſaid, "That ſo diſtinguiſhed a favour of the Roman People, who "ſeemed to confer a fourth Dictatorſhip upon "him, the advantagious judgment of ſo venerable a body as the Senate, and eſpecially "the unanimous concurrence of his illuſtrious

Camillus terminates the war with the Antiates ſucceſsfully. Liv. l. 6. —10.

A. R. 369. Ant. C. 383. "collegues in reſigning their authority to him, "were an heavy burthen highly difficult for "him to ſupport. That he ſhould uſe his ut-"moſt endeavours, by adding new care and "zeal to all he had hitherto done, to exceed "himſelf, in order to anſwer worthily the ex-"pectations conceived in his favour. That as "to the war with the Antiates, there was more "noiſe and menace than danger in it: that "however, though he was perſuaded there "was nothing to fear, he believed it neceſſary "that nothing ſhould be neglected. That Rome "was the object of the envy and hatred of all her "neighbours: that therefore prudence required "that ſeveral armies ſhould be ſet on foot un-"der different Generals." He afterwards aſ-ſigned each of his collegues their province, and kept Valerius with himſelf. They all promi-ſed to acquit themſelves well of their duty. Va-lerius, in particular declared, "That he ſhould "conſider Camillus as his Dictator, and ſubmit "to his orders as his General of the Horſe." The Senators were ſeized with joy and admira-tion, gave Camillus and his collegues the high-eſt praiſes, and cried out, "That (*a*) the Com-"monwealth would never have occaſion for a "Dictator, if Magiſtrates like them were al-"ways in office, ſo perfectly united amongſt "themſelves, ſo equally ready to obey or com-"mand, and much more inclined to divide "their own glory with their collegues, than to "arrogate that of their collegues to them-"ſelves.

(*a*) Nec Dictatore unquam opus fore reipublicæ, ſi tales viros in magiſtratu habeat, tam concordibus junctos animis, parere atque imperare juxtà paratos, laudemque conferentes potiùs in medium, quam ex communi ad ſe trahentes. *Liv.*

Camillus

Camillus and Valerius ſet out for Satricum, the rendezvous of the enemy's troops. The army of the Antiates was compoſed not only of the Volſcian youth, but of a great number of the Latines and Hernici. The ſight of ſo numerous a body, ſtruck the Roman ſoldiers with terror and trouble. The Centurions immediately carried the news of that diſcouragement to Camillus, and told him, "That the troops had "armed without ardor; that they had quitted "the camp ſlowly and with reluctance; that "they had even been heard complaining, that "they were marching to a battle where "they were to fight one againſt an hun-"dred: that they were not capable of ſuſtain-"the charge of ſo great a multitude if they "were unarmed, and much leſs armed as they "were. A. R. 369. Ant.C. 383.

Camillus immediately mounted on horſeback, and riding through the ranks: *Soldiers*, ſaid he, *what means this ſadneſs and languor, which I never knew before amongſt you? Have you forgot the enemy, yourſelves and me? What are the enemy, but perpetual matter for your valour and glory? And are not you on the contrary the ſame (not to mention the taking of Falerii, Veii, and the entire defeat of the Gauls in our country, after they had made themſelves maſters of it) who lately under my command obtained three victories over theſe very Volſci, Æqui and Hetrurians? Do you not know that I am your general, becauſe I give the ſignal as Military Tribune, and not as Dictator? I deſire no extraordinary authority in commanding you, and you ought to conſider nothing in me beſides my ſelf. The Dictatorſhip added nothing to my courage, no more than baniſhment abated it. We are then all of us the ſame: and as we bring with us the ſame things in all reſpects to this as*

A. R. 369. Ant. C. 383.

to former wars, we have reaſon to expect the ſame ſucceſs. Aſſoon as we come to blows with the enemy, do you behave yourſelves as you uſe to do. You will conquer, and they fly.

Then giving the ſignal, he leapt from his horſe, and taking hold of the next enſign-bearer, he pulled him along with him towards the enemy. Aſſoon as the ſoldiers ſaw Camillus, notwithſtanding his great age, advancing towards the enemy, they puſhed forward altogether, crying out, *Let us follow our General.* Some ſay, that he ordered the enſign to be thrown amongſt the enemy, and that the firſt line made extraordinary efforts to recover it. The Antiates could not ſuſtain ſo rude a charge, and much leſs the dreadful ſight of Camillus. Wherever he went, he carried terror along with him; which appeared evidently, when he repaired to his left wing, that had been put into diſorder, and where he immediately re-inſtated the battle only by his preſence, pointing with his hand to the other wing which was victorious. The ſucceſs was no longer doubtful: but the multitude of the enemy retarded their flight, and the Roman ſoldiery, already fatigued by a long and rude battle, could not have gone through ſo dreadful a ſlaughter. A violent ſtorm attended with a great rain, very opportunely came on to ſeparate the two armies, and put a ſtop to the battle, rather than the victory. The retreat was ſounded, and the night that followed it, terminated the war without putting the Romans to any further trouble. For the Latines and Hernici left the Volſci, and returned home, with the ſhame of having undertaken a weak enterprize, to which the ſucceſs had been anſwerable. The Volſci ſeeing themſelves abandoned by thoſe, whoſe aid and forces had induced

induced them to take arms, quitted their camp, and ſhut themſelves up within the walls of Satricum. Camillus followed them cloſe, and took that place by aſſault. A. R. 369. Ant. C. 383.

Camillus intended to form the ſiege of Antium the capital of the Volſci, which had excited this war, and he would undoubtedly have ſucceeded in it: but a more preſſing occaſion called him elſewhere. He flew to the aid of two allied cities, (1) Sutrium and Nepete, of which the Hetrurians were almoſt in poſſeſſion, and delivered them.

The Romans, ſeeing their tranquillity reſtored, ſent to the Latines and Hernici to complain of their having aſſiſted the enemies, and not furniſhed their contingents according to cuſtom for ſeveral years. Thoſe people, aſſembled in a body, made anſwer, "That it "was without their participation ſome of "their youth had joined the Volſci, and that "they had been ſufficiently puniſhed for their "temerity, none of them having returned home "to their country. That as to their contin-"gents, the perpetual terror they were in of "being attacked by the Volſci, had prevented "them from ſending them according to cuſtom. Though this anſwer was little ſatisfactory to the Senate, they believed it proper to reſt ſatisfied with it for the preſent.

(1) *Theſe two cities were the barriers of Rome on the ſide of Hetruria, and the keys of that country. The latter had ſurrendered to the Hetrurians, before Camillus arrived; the inhabitants being better affected to the Hetrurians than Romans: for which reaſon when the latter took it now by aſſault, Camillus beheaded the authors of the revolt. That General, though victorious on all ſides this campaign, out of modeſty declined the honour of a triumph, which he could not ſhare with collegues, to whoſe moderation and deference he was ſo much obliged for deſerving it.*

A. R. 370. Ant. C. 382.

A. MANLIUS, P. CORNELIUS.

War with the Volſci. They are defeated by the Dictator Coſſus. Liv. l. 6. 11, 13.

This year was remarkable for a very important war abroad, and a ſtill more conſiderable ſedition at home. The latter aroſe, where there was no room to apprehend it, that is to ſay from Manlius, the famous Patrician, who had diſtinguiſhed himſelf by his extraordinary merit upon ſo many occaſions. To put a ſtop to his criminal deſigns, it was thought proper to have recourſe to the ſovereign authority of a Dictator; but the war with the Volſci, whom the Latines and Hernici ſupported, was made the pretext for it. A. Cornelius Coſſus was created, who made T. Quintius Capitolinus his General of the horſe.

Though the Dictator ſaw, that he ſhould have ruder conflicts to ſuſtain at home than in the field; however, whether the war required diſpatch, or he was willing to add new weight to the Dictatorſhip by a victory and triumph, he made his troops march to the country of Pomptinus, where he had received advice that the enemy were to aſſemble.

Beſides the diſguſt, which the wars, that regularly recur almoſt every year, muſt give the reader, he muſt be at ſome loſs, ſays Livy, to conceive how the Æqui and Volſci, notwithſtanding ſo many loſſes and defeats, are always in a condition to ſet new armies on foot. They muſt either have had extremely great numbers of age to bear arms, in order to ſupply ſo many levies, or thoſe levies were not always made out of the ſame body, but out of different bodies of the ſame nation. Beſides which, we muſt remember, that amongſt theſe people, as well as the

the Romans, every citizen was a ſoldier. However that were, the army of the Volſci in queſtion was very numerous, without including the Latines and Hernici, and ſeveral other people, who had joined them. A. R. 370. Ant.C. 382.

The Dictator being arrived near the enemy, and having formed his camp, began by the uſual prayers and ſacrifices, and according to cuſtom conſulted the Gods by auguries and auſpices. Early the next day, before he gave battle, he harangued his troops in few words. *Soldiers*, ſaid he, *the victory is ours, if the Gods or their interpreters know any thing of the future. Every thing foretells our good ſucceſs. Proceed therefore to battle, as well aſſured of conqueſt: In order to which, lay down your javelins at your feet, and armed only with your ſwords, expect the enemy's attack without moving in the leaſt from your ground. When they have diſcharged their darts, and advance againſt you, then let your ſwords glitter in their eyes, and come immediately to blows; and let each man remember, that the Gods are our protectors, and ſend us on to battle.* He afterwards ordered Quintius to hold the horſe in readineſs, and aſſoon as the battle began, to charge the enemy in flank, and put them into diſorder. His directions were punctually executed.

The enemy, who confided entirely in their number, began the battle raſhly, and quitted it in the ſame manner. After having raiſed their firſt cries, diſcharged their darts, and ſhewn ſome ardor at firſt, aſſoon as they came to cloſe fight, and to engage man to man, they could not ſuſtain the charge of the Romans, who with eyes ſparkling with fire, and ſword in hand, attacked them with incredible impetuoſity. The firſt line was ſoon defeated, and the Roman cavalry

A. R. 370. Ant. C. 382. cavalry compleated the diſorder of their troops. After a ſhort reſiſtance the flight became general. The Romans purſued them till night with great ſlaughter. The camp of the Volſci was taken and plundered. The Dictator abandoned the whole ſpoils to the ſoldiers, except the priſoners. Moſt of them were Latines and Hernici, and of the principal families, which evidently ſhewed, that they had taken arms by the conſent of their ſtates. It was alſo diſcovered, that the inhabitants of Circeii and Velitræ had ſhared in this war.

The Dictator kept his troops alway in readineſs, not doubting but the People would be for turning their arms againſt the revolted allies: but a more urgent danger recalled him to Rome.

Manlius undertakes to make himſelf king.

This was the affair of Manlius. I have already ſaid that of all men he ſeemed the leaſt capable of conceiving deſigns to diſturb the ſtate by factions. Thoſe who had hitherto occaſioned ſeditions ſo frequently in Rome, had almoſt all of them been Plebeians, who had ſcarce any other merit than that of knowing how to ſet on a populace, who are always the dupes of thoſe that undertake to flatter them. Manlius was a Patrician, of one of the moſt illuſtrious houſes of Rome. He had been Conſul, and had acquired very great reputation by many glorious military exploits, and in particular by the ſignal ſervice he had done his country in ſaving the Capitol, when upon the point of being taken by the Gauls. A ſecret vanity and jealouſy, which Manlius ſuffered to take root in his heart, corrupted all his great qualities, and entirely ſullied his glory.

Camillus had gained two great victories over the Gauls, wherein he had ſhewn himſelf, as upon

upon many other occaſions, the greateſt captain of his times. During the firſt years from the new birth of the city, he had always been in office, either as Dictator, or Military Tribune. And even when he was no more than Tribune, his collegues conſidered him as their ſuperior and chief, and deemed it for their honour to receive his orders. Manlius could not ſuffer ſo high a degree of glory in a man whom he believed no more worthy of it than himſelf. In effect of his haughtineſs and ſelf-ſufficiency, he deſpiſed all the reſt of the Roman nobility. Only Camillus, whom his virtues, ſervices, and the honours with which they had been rewarded, excited his jealouſy, and tortured his pride. He was enraged to ſee him always in the higheſt authority, always at the head of the armies, and attained to ſuch an height of greatneſs, that, ſaid he, he treats even thoſe, created with power equal to his own, not as his collegues, but officers and ſubſtitutes to execute his orders: *However*, added he, *to judge rightly of things, Camillus would never have been able to recover Rome out of the hands of the enemy, if I had not firſt ſaved the Capitol and citadel. He attacked the Gauls at unawares, and whilſt engroſſed by the hopes of peace, they thought of nothing ſo little as fighting: Whereas I repulſed them with their arms in their hands, and at a time when they were almoſt maſters of the Capitol. In fine, every ſoldier who conquered with him has a right to ſhare in his glory, but no mortal can claim the leaſt part in mine.* A. R. 370. Ant. C. 382.

Such are the ſentiments and language, which envy inſpires. When men are for engroſſing certain advantages or qualities to themſelves, they deſire that none ſhould have them in the ſame degree. All compariſons that cover and ſuppreſs the diſtinction they are fond of, are painful

A. R. 370. Ant. C. 382. painful to them. And the heart is ſecretly afflicted with having rivals and competitors in things, by the luſtre of which it is for attracting all regard to itſelf alone. This vice, though common enough, is avowed by nobody, becauſe there is an unworthineſs and meanneſs in it, that even pride cannot but be aſhamed of.

As Manlius did not believe himſelf ſo much conſidered by the Senators as he deſerved, he threw himſelf into the party of the People. He entered into a very great union with the Tribunes. He ſpoke contemptuouſly of the Senate, and flattered the multitude. Prudence was no longer (*a*) the guide of his actions, but popular air and the breath of the crowd. In a word, he choſe rather to have a great than a good reputation. But the queſtion was to propoſe ſome advantage to the multitude, that might be a bait to attract and ſeduce them. The other leaders of ſedition had employed the Agrarian laws: that is to ſay, they propoſed the diſtribution of a certain portion of the lands conquered from the enemy amongſt the poorer people. This method did not ſeem ſufficient to Manlius; and the ſituation in which the People then were, ſupplied him with another, which he judged more ſuitable to his deſigns.

The city having been burnt, every one had been obliged to rebuild his houſe: and in conſequence perſons of moderate circumſtances being under the neceſſity of expences, often ruinous even to the rich, had contracted abundance of debts. The Roman laws in reſpect to debtors were exceſſively rigorous. They allowed the exacting of enormous intereſt: and when the debtor became inſolvent, by the decree of a

(*a*) Jam aurâ, non conſilio ferri, famæque magnæ malle quàm bonæ eſſe. *Liv.*

judge

judge he was put into the hands of his creditor, who thereby acquired almoſt the ſame power over him, as a maſter had over his ſlave. Manlius therefore believed, that he could not take a more effectual method to conciliate the multitude entirely to his views, than by endeavouring to eaſe them of ſo heavy a yoke. Accordingly after (*a*) having formed a conſiderable party by his flattering diſcourſes, he ſoon added actions highly for the good of the People in appearance, but really ſeditious, when conſidered by the motives from whence they proceeded. A. R. 370. Ant. C. 382.

One day ſeeing a centurion, who had diſtinguiſhed himſelf by a great number of exploits in war, in the hands of his creditor, to whom he had been adjudged, he ran with his uſual train to the middle of the Forum, and after having inveighed againſt the pride of the Senators, and the cruelty of the uſurers, deplored the miſery of the People, and expatiated upon the merit of a warrior who ſo little deſerved ſuch a fate: *It would be highly in vain*, added he, *that the Capitol and citadel were preſerved by this arm, if I ſuffered my fellow-citizen and companion in war to be made a ſlave, and to be laid in irons, expoſed to as great evils as if he had been taken priſoner by the victorious Gauls.* At the ſame time in the preſence of the whole People, he paid the Centurion's debt, and ſet him at liberty.

It is eaſy to judge what a man in ſuch a caſe was capable of ſaying and doing for his benefactor. He prayed, he conjured the Gods and men to reward Manlius, his deliverer, and the father of the Roman people, as he deſerved. He ſhewed the wounds he had received in the

(*b*) Non jam orationes modò Manlii, ſed facta popularia in ſpeciem, tumultuoſa eadem, qua mente fierent intuenti, erant. *Liv.*

A. R. 370. Ant. C. 382. war of Veii, in that againſt the Gauls, and in thoſe that ſucceeded it. And, after having related in what manner his debts, contracted for indiſpenſible occaſions, had plunged him into the greateſt misfortunes in effect of the accumulation of intereſt upon intereſt, he concluded with ſaying: "That it was to Manlius he was "indebted that he now ſaw the ſun, the city, "and his fellow-citizens. That it was from his "goodneſs he held all that a ſon holds from his "father. That he devoted his perſon and all "that remained to him of blood or life to his "ſervice. That all the ties, by which he "was united to his country, his houſhold-"Gods public or private, all attached him from "thenceforth entirely to him alone."

The People, animated by theſe diſcourſes, were entirely devoted to him, whom they conſidered as their protector. Manlius did alſo an action ſtill more capable than all that had preceded it, of enlivening their ardour, and making the multitude adore him. He cauſed an eſtate, which was the principal part of his patrimony, to be ſold publicly: *In order, Romans*, ſaid he, *that I may not ſuffer any of you, whilſt I have any thing left, to be adjudged to your creditors, and made ſlaves.* This laſt ſtroke tranſported the multitude to ſuch a degree, that they ſeemed ready to follow the aſſertor of their liberty into whatever extremes he ſhould think fit to lead them.

The Senators would undoubtedly have found it highly difficult to attack Manlius, his actions had ſo ſpecious and ſhining an outſide, if he had not ſupplied them with means of a different nature. He had the raſhneſs to ſay in the aſſemblies which he held in his own houſe, that the Senators had appropriated the gold intended for

for the payment of the Gauls to their own uſe, as well as that which they had found in their camp; that they concealed great treaſures which belonged to the public; and that if they could be diſcovered, they would ſuffice for diſcharging all the debts of the People. All thoſe who heard him, pleaſed with ſo grateful an hope, demanded where a theft of that importance was kept. As he had nothing poſitive to anſwer, he amuſed them with a general promiſe, to diſcover the whole at a proper time. Nothing elſe from thenceforth employed the People's thoughts; and it appeared, that if the fact was confirmed by enquiries into it, Manlius's credit would have no bounds: but on the contrary, if the accuſation was found to be groundleſs, he would be entirely diſgraced and loſt even in the ſenſe of the People. A. R. 370. Ant. C. 382.

It is very probable that the circumſtance which might give ſome colour and pretext for this calumny of Manlius, in accuſing the Senators of hiding the gold of the Gauls, (for thoſe are the terms; *theſauros Gallici auri occultare à Patribus*) is what Livy relates in the preceding book, that the gold which had been taken from the Gauls had been placed under the pedeſtal of Jupiter's ſtatue: *aurum, quod Gallis ereptum erat——ſub Jovis ſella poni juſſum.* L. 5. c. 50.

Things were in this ſtate, when the Dictator, recalled by the Senate, arrived at Rome. The next morning early he repaired to the Forum, attended by all the Senators, and having aſcended the tribunal, ordered a Lictor to cite Manlius before him. Manlius, having apprized his partiſans, that the moment of conflict approached, advanced with a numerous train. On the one ſide was ſeen the Senate, and on the other the People, each in a manner ready

A. R. 370. Ant. C. 382. to attack the other, and waiting the orders of their reſpective leader. The Dictator, without entering into any other diſcuſſion, interrogated Manlius only upon the ſingle fact of the treaſures which he accuſed the Senators of concealing. He ordered him to name thoſe who miſapplied the public money in ſo criminal a manner: and, in caſe he failed to do ſo, he declared that he would commit him to priſon as a ſeditious perſon, and a falſe accuſer.

The queſtion was difficult for Manlius to anſwer. He replied to it in a very artificial manner, uſing evaſions to elude its force, endeavouring to throw duſt and confound his hearers, and eſpecially to render his enemies odious. He began with diſcovering the artifice of the Senate, in making a war the pretext for creating a Dictator, whilſt their real deſign was to employ the terrible authority of that office againſt him and the People. He afterwards juſtified himſelf in reſpect to points upon which he was not queſtioned. *You are offended*, ſaid he, addreſſing himſelf to the Dictator and Senators, *at the numerous train with which I am ſurrounded. Why don't you take part of it from me by your beneficence, in paying the debts of ſome, being bound for others, and in relieving the miſeries of the People out of your abundance? But what do I ſay? There is no occaſion for applying your own in this manner. Only deduct from the principal what you have received in intereſt, and from thenceforth you will ſee me no better attended than another. But wherefore, you may ſay, am I the only one to take care of the citizens? I can only anſwer, as I ſhould were I aſked, why I was the only one to ſave the Capitol and citadel? I then gave all the citizens in general ſuch aid as was in my power, and I now do the ſame in reſpect to particulars.*

particulars. As to the treaſures which you conceal, why do you aſk me what you know yourſelves? It is perhaps becauſe you have taken your meaſures ſo well, as not to apprehend being diſcovered. (a) *The more you inſiſt upon my detecting your legerdemain, the more I fear, that you are ſure of impoſing it notwithſtanding the niceſt obſervation. Therefore it is not me, that ſhould be compelled to diſcover the thefts you have committed; but you, that ought to be obliged to bring them to light.* A. R. 370. Ant. C. 382.

The Dictator would not ſuffer the change to be put upon him. He commanded him to explain himſelf clearly, without evaſions; and, upon his refuſal, ordered him to be carried to priſon. Manlius, ſeeing himſelf ſeized by the Dictator's officer, omitted nothing to make the People riſe in his defence. He invoked all the Gods that inhabited the Capitol, imploring them to aid him who had ſo couragiouſly defended them. *How!* ſaid he, *ſhall the hand that has preſerved your temples from the fury of the Gauls be diſgraced with vile chains?* The whole People were in deſpair. (b) What they ſaw and heard penetrated them with the moſt lively affliction. But always ſubmiſſive to legal authority, that ſame People had preſcribed bounds to themſelves, through which they dared not break; and the authority of the Dictator held them in ſuch reſpect, that neither the Tribunes of the People, nor the People themſelves in their collective body, ſcarce ventured

(a) Quo magis argui præſtigias jubetis veſtras, eò plus vereor ne abſtuleritis obſervantibus etiam oculos. *Liv.*

(b) Nullius nec oculi nec aures indignitatem ferebant. Sed invicta ſibi quædam patientiſſima juſti imperii civitas fecerat: nec adverſus dictatoriam vim aut Tribuni Plebis, aut ipſa Plebs attollere oculos aut hiſcere audebant. *Liv.*

A. R. 370. Ant. C. 382. to raiſe their eyes from the ground, or to open their mouths in his preſence. In other reſpects they ſhewed all the ſigns of the moſt ſenſible grief. Great part of the People put on mourning habits; and many of them let their * hair and beards grow, which was not uſual but in the greateſt calamities. The gates of the priſon were beſieged perpetually by crouds of perſons with ſorrow manifeſt in their faces and whole appearance.

The Dictator triumphed over the Volſci; but his triumph drew upon him more hatred than glory. It was publicly talked, "That "he had acquired it in the city, not in the "army: that he triumphed over a citizen, not "over the enemies of Rome; and that all that "was wanting to adorn his triumph, was to "have Manlius dragged in chains before his "chariot." Every thing tended to an immediate revolt. To mollify the People, the Senate became liberal and beneficent on a ſudden, and appointed a colony of two thouſand citizens to be ſent to Satricum, aſſigning each of them two acres and an half of land. As the largeſs was very moderate in itſelf, confined to a ſmall number, and beſides was conſidered as a bait offered to the People for betraying Manlius, the remedy, inſtead of appeaſing the ſedition, only aggravated and enflamed it; eſpecially when the abdication of the Dictatorſhip by Coſſus had rid the People of their fears, ſet their tongues at liberty, and permitted them to vent their complaints freely.

The People murmur. Voices were then heard publicly in the midſt of the multitude, reproaching the People with

* *Livy ſuppoſes here, that the Romans did not wear their beards long at this time; which is contrary to the opinion of Varro and other authors.*

ingratitude

ingratitude to their defenders, for whom they at first expreſſed exceeding zeal, and afterwards baſely abandoned them in the time of danger; witneſs Caſſius and Mælius, whoſe ſervices they had rewarded, by giving them up to the hatred of their enemies. That they treated their protectors like victims, who are only fattened to have their throats cut. *How!* ſaid they, *Could a perſon of Conſular dignity deſerve ſuch a puniſhment for not anſwering as the Dictator thought fit? Suppoſe what he had advanced was falſe, and therefore that he could not make a good reply: was ever ſlave puniſhed with chains and priſons for a lie? How came you not to call to mind that night, which was almoſt become the eternal night of the Roman name? Why did you not repreſent to yourſelves the Gauls, climbing up to the top of the Capitol, and Manlius himſelf, ſuch as you ſaw him with his arms in his hands, covered with blood and ſweat, and defending Jupiter himſelf from the fury of the Barbarians? (a) Do you believe that a few meaſures of meal were a ſufficient reward for the preſerver of his country? And him, whom you have almoſt placed amongſt the Gods, whom you have at leaſt equalled with Jupiter by the ſirname of Capitolinus; can you ſuffer that the ſame man ſhould now be laid in chains, thrown into a dungeon, and live only in expectation of death from the hands of an executioner? One man then has ſufficed for preſerving you all; and all of you together are not ſufficient to extricate that one out of danger.*

A. R. 370. Ant. C. 382.

(a) Selibriſne farris gratiam ſervatori patriæ relatam? &, quem prope cœleſtem, cognomine certè Capitolino Jovi parem fecerint, eum pati vinctum in carcere, in tenebris obnoxiam carnificis arbitrio ducere animam? Adeo in uno omnibus ſatis auxilii fuiſſe: nullam opem in tam multis uni eſſe. *Liv.*

A. R. 372. Ant. C. 382. *Manlius is diſcharged out of priſon.*

The mutineers now paſſed not only the day, but even the night round the priſon, and menaced to break down the gates. The Senate choſe to grant them that of their own accord, which they were upon the point of taking by force, and cauſed Manlius to be ſet at liberty. But by that timorous policy, inſtead of appeaſing the ſedition, they only gave it an Head.

About the ſame time the Latines and Hernici, and the citizens of the colonies of Circeii and Velitræ, arrived at Rome, to juſtify themſelves in reſpect to the war with the Volſci, and to demand that their priſoners ſhould be put into their hands, in order to their being puniſhed according to their own laws. This was not complied with: but the Romans expreſſed their anger moſt ſenſibly in reſpect to the inhabitants of the two colonies, becauſe being Roman citizens they had formed the criminal deſign of attacking their country. Not only what they demanded in reſpect to their priſoners, was refuſed; but, which was not done in regard to the allies, they were given to underſtand in the name of the Senate, that they ſhould quit the city directly, and remove themſelves from the ſight of the Roman people, leſt the right of embaſſadors, eſtabliſhed for ſtrangers not citizens, ſhould not protect their perſons.

A. R. 371. Ant. C. 381.

Ser. Cornelius Maluginensis III.
P. Valerius Potitus II.
M. Furius Camillus VI. &c.

Manlius renews his intrigues.

Diviſions were renewed more warmly than ever the beginning of this year. Manlius held aſſemblies night and day in his houſe with the principal Plebeians. On one ſide the affront he

he had received exceedingly exaſperated a ſpirit little accuſtomed to ignominy: on the other, what rendered him more bold and haughty than ever, was to ſee, that the Dictator had not dared to proceed againſt him, as Cincinnatus had done in reſpect to Mælius, and that even the whole Senate, not being able to hold out any longer againſt the diſcontent and menaces of the people, had ſeen themſelves reduced to ſet him at liberty. Inflamed and animated by theſe motives, he perſiſted continually in inſpiring the People with the ſame ſentiments. *How long*, ſaid he to them, *will you be be ignorant of your own ſtrength, of which nature has not thought fit that beaſts themſelves ſhould be ignorant? Reckon at leaſt your own number, and that of your adverſaries: though however, were the number equal, you would undoubtedly engage with more valour for your liberty, than they to ſupport their unjuſt ſway. As many clients as there are of you to one patron, ſo many will you be to each of your enemies, in the approaching conflict. Shew only the war, and you will have peace. Let them ſee that thou are prepared to make a good defence, and they will immediately grant you what you demand. You muſt altogether either determine to be bold in undertaking, or reſolve each in particular to ſuffer the utmoſt injuries. How long will you fix your eyes upon me? I will not be wanting to any of you: but do not ſuffer me to be made incapable of ſerving you. Myſelf, your protector, diſappeared, when your enemies thought fit to have it ſo. What ought I not to fear, ſhould they become more bold in reſpect to me? Muſt I expect the unhappy fate of Caſſius and Mælius? You are ſhocked at the thought: you are in the right, and I hope the gods will avert ſuch a misfortune far from me. But thoſe gods will not deſcend from*

A. R. 371. Ant. C. 381.

A. R. 371. Ant. C. 381.

heaven on my account. They muſt inſpire you to remove ſuch dangers from me, as they have me to defend you in war againſt barbarous enemies, and in peace againſt unjuſt citizens. Shall your diſputes with the Senate always terminate in your ſubmitting to the yoke? (a) It is not becauſe that diſpoſition is natural to you: it is the habit of ſuffering them to ride you, which they have made their right, and turned into a kind of inheritance. Accordingly, whence is it that you are ſo bold and courageous againſt the enemy abroad, and ſo ſoft and timorous againſt thoſe at home, if it be not becauſe you believe yourſelves obliged to fight with your whole force for command and dominion with the former, and make but feeble attempts againſt the latter in defence of your liberty? And yet, notwithſtanding your timidity, and that of your chiefs, whether through ſuperiority of ſtrength or your good fortune, you have hitherto always obtained what you demanded. It is now time to undertake greater things. Try what your good fortune will do for you, ſupported by my zeal, of which you have already made ſufficiently happy experience. You will find leſs difficulty in giving the Senators a maſter, than it has coſt you to defend yourſelves againſt them, whilſt they have had power to lord it over you. Dictators and Conſuls muſt be aboliſhed, if you would have the People raiſe their heads. Unite therefore with me. Prevent debtors from being proſecuted according to the rigour of the laws. I declare myſelf the (b) Patron and Protector of the People; names which my

(a) Nec hoc natura inſitum vobis eſt; ſed uſu poſſidemini.

(b) Ego me patronum profiteor plebis: quod mihi cura mea & fides nomen induit. Vos, ſi quo inſigni magis imperii honoriſve nomine veſtrum appellabitis ducem, eo utemini potentiore ad obtinenda ea quæ vultis. *Liv.*

zeal

zeal for your intereſts emboldens me to aſſume. As for you, if you are for exalting your chief by any more ſplendid title, more illuſtrious dignity, you will only augment his power for your ſupport, and to obtain for you what you deſire. A. R. 371. Ant. C. 381.

Manlius betrayed himſelf by thoſe laſt words, however indirect, and it was eaſy to perceive that he aimed at the ſovereignty. He knew, that the name of king was abhorred and deteſted by the Roman people; and not daring to uſe the word itſelf, which would immediately have called to mind the ancient execrations pronounced in the name of the whole ſtate, and for all ſucceeding ages, againſt ſuch as ſhould preſume to aſpire to the throne, he vainly endeavoured to conceal his deſign under trivial circumlocution. Did he believe that it was the word, and not the thing, that the Romans had in horror. Livy confeſſes, that he can find nothing concerning the meaſures he took for the ſucceſs of his deſign; who thoſe were, whom he engaged to ſerve him in ſo dangerous an enterprize; and how far it was carried. The conſequence gives reaſon to conjecture, that nothing ever was worſe concerted than this project, and that it had no foundation but a raſh and frantic ambition, which had given him room to hope, that the People would blindly follow him headlong, wherever he ſhould think fit to lead them.

The Senate however, alarmed by the frequent aſſemblies held in the houſe of a private perſon, and an houſe ſituated in the citadel, were in the greateſt perplexity. Moſt of them ſaid, that the occaſion required a ſecond Ahala, who, inſtead of protracting the affair, might terminate it ſuddenly by the death of the criminal. Recourſe was had to a gentler but no leſs effectual method, in ordering the magiſtrates *to take*

A. R. 371. Ant. C. 381.

care that the Commonwealth ſuſtained no prejudice from the pernicious deſigns of Manlius: by which form of words they were inveſted with full and ſupreme authority; as we have already obſerved elſewhere.

Manlius is cited before the People.

In ſo delicate a conjuncture, the Tribunes of the people, who had joined with the Senate, becauſe they perceived, that the liberty of the public and their own power would expire together, propoſed a very wiſe method of proceeding, though it appeared entirely dangerous at firſt. They repreſented "That in the preſent "diſpoſition of the People, Manlius could not "be openly attacked, without intereſting them "in his defence. That violent meaſures were "always dangerous, and might excite a civil "war. That it was neceſſary to ſeparate the "intereſts of Manlius from thoſe of the people. "That in order to that, they were determined "to cite him before the Tribunal of the Peo-"ple themſelves, and to accuſe him in form." *Nothing*, added they, *is leſs agreeable to a free people than a king. Aſſoon as the multitude ſees that your aim is not againſt them, that from protectors they are become judges, that their Tribunes are the accuſers, and that a Patrician is accuſed, and accuſed for having aſpired at the tyranny, no intereſt will be ſo dear to them as that of their liberty.*

This counſel was followed, and Manlius was cited by the Tribunes before the People. He appeared in a mourning habit, but without a ſingle Senator, relation, friend, or even his own brothers along with him, to expreſs concern for his fate: ſo much did the love of liberty, and the fear of being enſlaved, prevail in the hearts of the Romans over all the ties of blood and nature! A Senator, and a perſon of Conſular dignity,

dignity, cited to take his trial, was never known to have been ſo univerſally abandoned. A. R. 371. Ant. C. 381. When Appius Claudius, the Decemvir, was put in priſon, C. Claudius his declared enemy, and the whole family of the Claudii, were ſeen in the habit of ſuppliants before the judges, imploring mercy for their relation, as criminal and inexcuſable as he was. After the Tribunes had ſpoke, Manlius replied according to his cuſtom, by repeating his exploits and ſervices. He exhibited glorious proofs of them to the eyes of the people, and produced a great number of military (1) rewards of different kinds. At the ſame time he uncovered his breaſt, and ſhewed the many honourable wounds he had received in battle. Then extending his arms towards the Capitol, which was in view from the aſſembly, he implored Jupiter and all the Gods to inſpire the Roman People in his preſent danger, with the ſame ſentiments as they had inſpired him for their preſervation when he defended the Capitol; conjuring his judges at the ſame time, before they paſſed ſentence upon him, to caſt their eyes up to that ſacred place, and the immortal gods that reſided in it.

The People, touched by ſo moving a ſight, could not reſolve to put the rigor of the law in execution againſt a man, who had ſo lately preſerved the Commonwealth. The ſight of the Capitol, where he had fought ſo bravely againſt the Gauls, weakened the accuſation, and attracted the compaſſion of the multitude. The

(1) *Theſe rewards were two mural crowns of gold, for having entered firſt two cities taken by aſſault; eight civic crowns, for having ſaved the lives of as many citizens, of whom C. Servilius when general of the horſe was one; and thirty ſpoils of enemies killed in ſingle combat.*

(a) Tribunes

A. R. 371. Ant. C. 381. (*a*) Tribunes diſcerned aright, that as long as the People ſhould have an object before their eyes, that recalled the remembrance of an event ſo glorious for Manlius, their ears would be little open to the grievances alledged againſt him. They therefore referred the judgment to another time, and ſummoned the aſſembly to a place, where the Capitol was not in ſight. Their accuſations had here all their effect. Pity found no longer acceſs to their minds, and a rigorous ſentence was paſſed, not without extreme compunction even to thoſe who pronounced it. Manlius was condemned to be thrown from the top of the Capitol; and (*b*) the ſame place, which had been the theatre of his glory, became that of his puniſhment and infamy. His memory was treated with rigor after his death; the family of the Manlii being forbidden to uſe the *prænomen* of Marcus for the future: (I ſhall ſoon explain what the Romans underſtood by the *prænomen*) and a decree paſſed that no Patrician from thenceforth ſhould inhabit the citadel, where his houſe had ſtood.

Manlius is condemned to be thrown from the Tarpeian rock.

Such was the end of a man who might have been the ornament of his country, if he had not been born in a free ſtate. We here ſee how many glorious actions, and excellent qualities, the luſt of reigning rendered not only fruitleſs, but odious and deteſtable. Manlius was led on to this criminal exceſs by another paſſion ſtill more horrible, though it appears leſs ſo, I mean the envy and jealouſy of exalted virtue. We have ſeen that he could not bear the glory

(*a*) Apparuit Tribunis, niſi oculos quoque hominum liberaſſent ab tanti memoria decoris, nunquam fore in præoccupatis beneficio animis vero crimini locum. *Liv.*

(*b*) Locus idem in uno homine & eximiæ gloriæ monimentum & pœnæ ultimæ fuit. *Liv.*

of

of Camillus, the luſtre of whoſe reputation mortified him exceſſively. Not being able to ſurpaſs him by merit, he endeavoured to become his ſuperior by a rank that rendered him his maſter, and formed the frantic deſign of making himſelf king. What a difference is there between this black malignity, tortured by the advantages of others, and the noble candor of Camillus's collegues, who, by a voluntary ſubmiſſion, render an homage to his ſuperior merit, that does them more honour than Camillus himſelf. A. R. 371. Ant. C. 381.

The People ſoon after, when they had no longer any thing to fear from Manlius, conſidering him only on the ſide of his good qualities, regretted his fate. A ſudden plague, that viſited Rome without any apparent cauſe, ſeemed to moſt people a puniſhment from heaven for their treatment of him. They ſaid, that the Capitol had been polluted with the blood of its deliverer, and that the execution of a citizen, who, after having reſcued the temples of the Gods out of the hands of the Barbarians, had been put to death almoſt before their eyes, was a ſpectacle, that could not but give them great offence. The levity and inconſtancy of the multitude is viſible here, who ſuddenly change diſpoſition, and fluctuate continually from one extreme to another.

I come now to explain what the Romans meant by the *Prænomen*.

Observations *upon the names of the Romans.*

The Greeks had only one name, but the Romans had ſometimes three or four: the Præ-

A. R. 371. Ant. C. 381. NOMEN, NOMEN, COGNOMEN, and ſometimes even the AGNOMEN.

The PRÆNOMEN every particular had: the NOMEN was the name of the family from which a perſon deſcended: and the COGNOMEN was peculiar to ſome family, or more properly to ſome branch of that family.

I. The Prænomen was, as the word ſignifies, the name prefixed to that of the family, like our *Chriſtian name.*

Some of theſe Prænomens were expreſſed by a ſingle letter, as A. Aulus, C. Caius, D. Decimus, K. Kæſo, L. Lucius, &c. Some with two letters, AP. Appius, CN. Cneus, SP. Spurius, TI. Tiberius. And others with three letters MAM. Mamercus, SER. Servius, SEX. Sextus.

II. The NOMEN was the name of a family or houſe, and all its branches. Thus all thoſe of the houſe ſaid to deſcend from Julus, the ſon of Æneas, were called the Julii: thoſe of the houſe of the Antonies, Antonii, and ſo of the reſt.

III. The COGNOMEN, which originally was often a kind of nick-name, or on the contrary an appellation of honour, diſtinguiſhed the different branches of the ſame houſe, *in eadem gente:* as when Livy ſays, that the houſe of the Potitii was divided into twelve families. For *Gens* and *Familia* are as the whole and its parts. Thoſe of the ſame race, or of one and the ſame houſe, were called *Gentiles*, and thoſe of the ſame branch, or of one and the ſame family, *Agnati.* Thus when the Cæſars are ſaid to be of the houſe of the *Julii*, the *Julii* is the general name of the houſe, and *Cæſar* that of a particular branch of it. When we expreſs the whole name of Cæſar the Dictator, *C. Julius Cæſar*: *C*, that

l. 9. c. 29.

is

is to ſay, *Caius*, is the prænomen; *Julius* the name of his family, and *Cæſar*, that of the branch from which the Dictator deſcended. A. R. 371. Ant.C. 381.

Some add to theſe the *Agnomen*, which was given on ſome particular occaſion, as *Africanus* to one of the Scipios, and *Aſiaticus* to the other, on account of their great exploits in thoſe provinces. The term *Cognomen* includes alſo this laſt kind of names.

SECT. II.

Different Colonies ſettled. War againſt the Volſci. Camillus is choſen one of the Military Tribunes to command the army. His extraordinary moderation in reſpect to one of his collegues, whoſe fault he retrieves by the defeat of the enemy. His ſingular expedition againſt the people of Tuſculum. Several wars of little importance.

L. VALERIUS IV. A. R. 372. Ant.C. 380.
A. MANLIUS III.
SER. SULPICIUS III. &c.

THE plague of the preceding year occaſioned a ſcarcity of proviſions, and the report of thoſe two ſcourges joined together, induced ſeveral ſtates, not well ſubjected, to revolt. To incline the People to take arms willingly, it was thought proper to ſooth them by beneficence. Five Commiſſioners were appointed for diſtributing the territory of Pomptinus, and three for ſettling a colony at Nepete. There was no war however this year. Liv. 6. 12. A. R. 373. Ant.C. 379.

War with the Volſci. Liv. l. 6. c. 22, 27. Plut. in Camil. 148, 149.

SP. & L. PAPIRII, &c.

The legions marched againſt Velitræ, a Roman colony that had revolted. It was ſupported

A. R. 373. Ant.C. 379. ed by a ſtrong body of troops from Prænesте. The Romans gained a victory, but did not venture to attack Velitræ, not believing themſelves ſtrong enough to take it.

The Prænestini having engaged the Volſci to join them, took Satricum, a Roman colony, by ſtorm, after a long and vigorous reſiſtance, where they exerciſed great cruelties.

A. R. 374. Ant.C. 378.

M. FURIUS CAMILLUS, VII. L. FURIUS, &c.

Camillus is choſen one of the Military Tribunes. His great moderation in reſpect to one of his collegues: his valour againſt the enemy.

Rome ſeeing the war become important, thought proper to elect Camillus amongſt the Military Tribunes, who was the ordinary reſource of the commonwealth in great dangers. He excuſed himſelf on account of his great age, which, he ſaid, rendered him unable to diſcharge the duties of a general of an army. He was however at that time only ſixty-ſix or ſixty-ſeven years old. Perhaps he apprehended envy, or ſome reverſe of fortune after ſo much glory and ſucceſs. But his beſt excuſe was his want of health, for he had an illneſs upon him at that time. He was upon the point of ſwearing in full aſſembly, according to the uſual form for ſuch as excuſed themſelves from ſerving upon account of ſickneſs; but the People would not hear him, and cried out, that they did not want him to fight either on foot or on horſeback; and had occaſion only for his head and his counſels. He could not reſiſt the ardent deſire of the whole People. (*a*) He ſtill retained, though advanced in years, all the vigour and vivacity of youth. He had all his ſenſes in per-

(*a*) Vegetum ingenium in vivido pectore vigebat virebatque, integris ſenſibus: & civiles jam res haud magnopere obeuntem bella excitabant. *Liv.*

ſection,

fection, and though he entered little into do- A. R. 374. Ant. C. 378.
meſtic affairs, war rouzed and reſtored him to himſelf.

The manner in which he acted in the war he was charged with this year, ſhews evidently, that it was with great wiſdom the Romans, without regard to the weakneſs and age of a general of conſummate valour and experience, had given him the preference, againſt his will, to thoſe who in the flower of their youth ſollicited the command againſt him.

Camillus was choſen to command the troops ſent againſt the Volſci, who had joined the people of Prænеſte. It fell by lot to L. Furius to be his collegue on this occaſion. The latter, young and preſumptuous, diſpenſed with the reſpect, which the greateſt perſons of the ſtate had always paid Camillus ſince the defeat of the Gauls; and thereby gave that great man occaſion of acquiring a new ſpecies of glory.

The two Roman generals ſet out together againſt the Volſci. The enemy had the advantage in number, and for that reaſon immediately offered battle. The Roman troops, and eſpecially Furius, expreſſed no leſs ardor for coming to blows, and had engaged accordingly, if not prevented by the wiſe counſel and oppoſition of Camillus, who (*b*) ſought by delays ſome favourable occaſion that might ſupply what was wanting in reſpect to the number of his troops. That conduct augmented the boldneſs of the Volſci, who came and inſulted the Romans at the very gates of their camp. The Roman ſoldiers were extremely incenſed: but none ſo much as L. Furius, who, beſides the boldneſs and haughtineſs of his age and diſpoſition, was ani-

(*b*) Qui occaſionem juvandarum ratione virium trahendo bello quærebat. *Liv.*

mated

A. R. 374. Ant. C. 378. mated by the confidence which he obſerved in the multitude, whoſe courage the worſt founded motives is often ſufficient to fluſh.

Accordingly, finding the troops already warm, he inflamed them ſtill more by his diſcourſe, and endeavoured to depreciate his collegue's authority on the only ſide by which he could attack it, on that of his age. He affected frequently to ſay, "That war was the buſineſs of the young, and that courage either "continued vigorous, or declined, with the "body. That Camillus, from an active and "enterprizing warrior, was become ſlow, and "fond of delays; and that the ſame general, "whoſe cuſtom it was formerly to take camps "and cities aſſoon as he arrived before them, "now drooped within the intrenchments of his "own. And this, with what view? What "augmentation of his own forces, or what di-"minution of the enemy's, does he expect? "what better occaſion, what more favourable "time? What place does he imagine he ſhall "diſcover, that may be proper for laying an "ambuſcade? The truth is, there is no longer "any thing but coldneſs and ice in the counſels "of an old man. Camillus has lived long "enough, and acquired ſufficient glory. But "ought we to ſuffer the forces of the common-"wealth, that is to be immortal, to ſympathize "with one mortal body, and ſicken and lan-"guiſh with it."

By theſe diſcourſes, which ſuited the diſpoſition and deſires of the ſoldiery, he drew upon himſelf the confidence of the whole army; and as they demanded to fight on all ſides, he went to Camillus. *We can no longer reſtrain*, ſaid he, *the ardor of our troops; and the enemy, whoſe courage we have increaſed by our delays, inſult us*

in a manner no longer to be endured. You alone oppoſe the deſire of us all. Suffer yourſelf to be overcome in counſel, that you may the ſooner overcome in battle. The anſwer of Camillus, and the battle which immediately enſued, ſhew, that age had only augmented his prudence, without in the leaſt diminiſhing his valour, or fire in action; and at the ſame time give us an example of the moſt conſummate moderation antiquity ever produced. He contented himſelf with repreſenting to Furius, "That in all the "wars in which he had commanded alone till "then, neither himſelf nor the Roman people "had repented either his conduct or the ſucceſs "of it. But that now he knew he had a col-"legue, whoſe authority was equal to his own, "and who excelled him in the vigour of his "years. That in conſequence, as to what con-"cerned the troops, it had been his cuſtom to "command them, and not to be commanded "by them: But that he could not prevent his "collegue from uſing his power and right. "That with the help of the Gods he might do "what he ſhould judge moſt for the good of "the commonwealth. He however made it "his requeſt, that in regard to his age and "weakneſs, he might be left with the reſerved "troops, where he ſhould endeavour not to be "wanting in ſuch duties as an old man was "capable of diſcharging. He concluded with "(*a*) praying the Gods, that no misfortune "might give reaſon to conclude his counſel the "more commendable." The Gods, ſays Livy, were deaf to the prayers of Camillus, as

A. R. 374. Ant. C. 378.

(*a*) Id à Diis immortalibus precari, ne qui caſus ſuum conſilium laudabile efficeret. Nec ab hominibus ſalutaris ſententia, nec ab Diis tam piæ preces auditæ ſunt. *Liv.*

A. R. 374. Ant. C. 378. men had been to his ſalutary advice. He thought it improper to inſiſt any longer on his own opinion, apprehending, that he might be ſuſpected of intending, out of envy, to deprive his collegue and the young officers that ſerved under him, of an occaſion of acquiring glory, and of rendering the commonwealth great ſervice.

Furius fought at the head of the army: Camillus remained with the reſerved troops, whom he ſtrengthened as much as poſſible for the greater ſecurity of the camp, and from the top of an eminence was ſpectator of a battle fought contrary to his advice. On the firſt charge, the enemy fled, not through fear, but ſtratagem. Behind the Volſci, between their army and camp, there was a ſmall eminence with an eaſy declivity; and as they had more troops than were neceſſary, they had left a great body of the beſt of them in their camp, with orders to make a ſudden ſally, when the enemy ſhould approah the entrenchments. The Romans, in purſuing the Volſci too warmly, were artfully led on into a diſadvantageous place; and the troops in the camp ſeized that inſtant for ſallying upon them with impetuoſity. Terror and confuſion went over to the ſide of the victors. That ſudden attack, and the declivity of the ground from which it was made, obliged them to give way, and ſoon put them into diſorder, whilſt they were puſhed at once both by the freſh troops of the Volſci from the camp, and thoſe who at firſt had made a feint of flying, and now faced about on a ſudden. It was not now a retreat, but a precipitate flight, on the ſide of the Romans.

At this moment, Camillus cauſed himſelf to be ſet on horſeback, and at the head of the reſerved troops, advanced to thoſe who were flying.

flying. *Is this then, ſoldiers,* ſaid he, *the battle you demanded with ſo much ardor? What God, what man, can you accuſe of it? Was it not your own raſhneſs that engaged you in it, and is it not now your abject fear that makes you abandon it ſo ſhamefully? You have followed another leader: now follow Camillus, and conquer as you uſed to do when I led you. Why do you caſt your eyes towards your camp? None of you ſhall enter there except victorious.* Shame ſtopped them at firſt. Then ſeeing their general, illuſtrious by ſo many triumphs, and venerable for his age, uniting his example with exhortations, and throwing himſelf into the hotteſt of the preſs, and where the danger was greateſt, they reproached each other, and nothing was heard throughout the whole army but chearful cries, and mutual exhortations to march againſt the enemy. A. R. 374. Ant. C. 378.

Furius, on his ſide, ſpared no pains to retrieve affairs. His collegue ſent him to the horſe, to engage them to ſupport the foot in ſo great a danger, and he was far from employing reproaches: his being an accomplice in their common fault, had loſt him the neceſſary authority for reproving others. Inſtead of commands, he made uſe only of entreaties. He conjured them ſeparately and in general, to ſpare him the juſt reproaches which might be made him for the bad ſucceſs of that day, for which he was ſolely reſponſible. *Notwithſtanding the repeated oppoſition of my collegue,* ſaid he, *I choſe rather to be raſh with the multitude, than wiſe only with him. Whatever may be the event of this day, Camillus will find his glory in it. But for me, the moſt unhappy of mankind, if the ſucceſs of this battle be bad, I ſhall ſhare the misfortune with the reſt of the army, but the infamy of it will be all my own.* Such moving complaints had

A. R. 374. Ant.C. 378. their effect. The cavalry diſmounted, as was frequently practiſed amongſt the ancients, flew to the aid of the foot, and advanced fiercely againſt the enemy. That fight revived the courage of the Roman troops, which now ſurmounted all obſtacles. The victory was compleat. The Romans made themſelves maſters, not only of the field of battle, but the enemy's camp. The number of the priſoners was however greater than that of the ſlain.

Amongſt the firſt were diſcovered ſome Tuſculans, who confeſſed, that they had aided the Volſci by order of the public, and the authority of their magiſtrates. Camillus thought it incumbent on him to impart this news to the Senate in perſon, and ſet out for Rome, leaving his collegue to command in the camp. Every body expected from one ſo exact and ſevere as him, that he would demand juſtice for a fault which had expoſed the commonwealth to ſuch great danger, beſides which his honour was in ſome meaſure concerned in it. It was generally agreed both in the army and at Rome, that the diſgrace of the bad ſucceſs in the beginning of the battle with the Volſci, was to be aſcribed ſolely to Furius, and the glory of the victory to Camillus. The Senate, upon the report of the Tuſculan priſoners, thought it neceſſary to declare war againſt Tuſculum, and charged Camillus with that expedition, permitting him to chuſe any one of his collegues that he ſhould think fit, to accompany him. Contrary to every body's expectation, he choſe L. Furius; and by that action of generoſity, at the ſame time leſſened his collegue's ſhame, and acquired himſelf great glory. Even now, after ſo many ages, we cannot but admire and love a greatneſs of ſoul, that could ſo eaſily forgive injuries.

Camillus

Camillus appears a greater hero by this moderation, than by his victories. A. R. 374. Ant. C. 378.

Singular expedition of Camillus againſt the Tuſculans.

The Tuſculans oppoſed the Roman arms by a method entirely new, that made it impoſſible to commit hoſtilities againſt them. When the troops entered their country, the inhabitants neither abandoned the places upon their march, nor deſiſted from cultivating their lands: a great number of citizens, dreſt as in times of peace, that is to ſay, in robes, came out to meet the generals: and proviſions in abundance were brought from the city and country into the camp. Camillus having encamped before the gates, which were open, and deſiring to know, whether the ſame tranquillity prevailed within the walls as he had found in the country, he entered the city. All the houſes and ſhops were open, and all the artificers intent upon their trades: the ſchools reſounded with the noiſe of children at their books; the ſtreets were full of people going backwards and forwards upon their occaſions; without any ſign of terror or even amazement, and not the leaſt trace of war: every thing was entirely tranquil and pacific.

Camillus, ſurprized at ſuch a ſight, and overcome by the enemy's patience, cauſed the aſſembly to be ſummoned by the magiſtrates. *Tuſculans*, ſaid he, *you are the only people, who till now have found out the true arms and forces capable of ſecuring them againſt the anger of the Romans. Go to Rome and apply yourſelves to the Senate. They will judge, whether your paſt fault deſerves chaſtiſement more than your preſent repentance pardon. I ſhall not prevent a grace, which you ought to hold only from the commonwealth. All that I can grant you, is the liberty of preſenting your demands and making your requeſt; to which*

A. R. 374. Ant. C. 378. *the Senate will have ſuch regard as it ſhall judge proper.*

When the Tuſculans arrived at Rome, and the magiſtrates of a city, ſo faithful a little before, were ſeen in the higheſt affliction at the door of the Senate, ſo moving a ſight made a very ſtrong impreſſion upon the Romans, and audience was given them rather as allies than enemies. The Dictator of Tuſculum ſpoke in theſe terms. *The condition in which you now ſee us, Fathers, is the ſame as that in which we went to meet your generals and army. You have declared war againſt us, you have entered our lands in conſequence, without our having armed in any other manner than we are at this inſtant. Such has been, and ſuch always will be, our behaviour, and that of all the Tuſculans, except when we receive your orders to take arms, and to employ them for your ſervice. We ought to return our thanks to your generals and troops, for believing their eyes rather than their ears, and for not having acted as enemies, where they found none to oppoſe them. We come to demand peace, which we have obſerved in reſpect to you, and to deſire that you would carry the war into countries, where it is to be made. As for us, if we are to experience the force of your arms, we will experience it without reſiſtance. Such is our reſolution: and may it be as happy to us, as it proceeds from hearts ſincerely attached to your intereſts. As to what relates to the accuſations which have drawn your reſentment upon us, though it would be ſuperfluous to deny grievances by words that facts have ſo ſtrongly contradicted: however, were they true, we believe, after having expreſſed ſo evident a repentance of them, that it would be ſafeſt for us even to confeſs them. You may ſuffer offences to be committed againſt you, whilſt thoſe who commit them think you worthy in*

conſequence of ſuch ſatisfaction. The Tuſculans obtained peace for the preſent, and ſoon after the freedom of Rome. A. R. 374. Ant.C. 378.

Camillus, after having ſignalized his prudence and valour in the war with the Volſci, his extraordinary good fortune in the expedition againſt Tuſculum, and his moderation and patience on both occaſions, quitted his office with the higheſt glory.

L. & P. VALERII, &c.

A. R. 375. Ant.C. 377.

Particular wars of little importance. Liv. l. 6. c. 27—33.

During the three following years there was no event of any great importance. The people of Prænesſte, taking advantage of the domeſtic troubles, which began to agitate Rome in reſpect to the debts, advanced to the gates of the city, after having ravaged the neighbouring country. This ſudden alarm occaſioned a Dictator to be declared, who terminated the war by a battle near the river Allia, which was followed by the taking of Prænesſte, and of eight places in its dependance.

The perpetual enemies of Rome, the Volſci, in conjunction with the Latines, gave the Commonwealth ſome alarm which was of no long duration, and had no conſequence.

SECT. III.

Law propoſed by two Tribunes of the People concerning the diſtribution of lands, debts, and admitting Plebeians to the Conſulſhip. The diſputes are ſuſpended by the arrival of the Gauls, who are defeated by Camillus. The ſame Camillus is elected Dictator, and terminates the diviſions. The Senate conſent, that one of the Conſuls ſhould be elected out of the Plebeians. A Plebeian Conſul elected. Two new offices granted to the Senate, that of Prætor and that of Curule Ædile. The plague rages at Rome. Death of Camillus. Ceremony of the LECTISTERNIUM. *Inſtitution of the games called* Ludi Scenici. *Nail driven into the temple of Jupiter by the Dictator.*

L. ÆMILIUS, &c.

A. R. 378. Ant. C. 374. *Law propoſed by two Tribunes of the People concerning lands, debts, and admitting Plebeians to the Conſulſhip.* Liv. l. 6. c. 34--42.

DOMESTIC diviſions ran very high at this time, occaſioned at firſt by the debts. The poor citizens had contracted them long before on account of various misfortunes that had happened, and laſtly through the neceſſity of paying a new tax laid on them for erecting the walls of the city, which the Cenſors cauſed to be rebuilt of hewn ſtone. The (*a*) creditors treated their debtors, who were adjudged to them according to the forms, with extreme cruelty. As they were utterly incapable of diſcharging themſelves, they expiated by puniſhment what they could not pay in money. This general miſery had diſpirited the Plebeians to ſuch a degree, and even the moſt conſiderable amongſt

(*a*) Cum jam ex re nihil dari poſſet, fama & corpore judicati atque addicti ſatisfaciebant, pœnaque in vicem fidei ceſſerat. *Liv.*

them,

them, that none of the latter preſented themſelves as candidates for the office of Military Tribune, an advantage that had coſt them ſo much trouble, and ſo many conflicts to obtain. In conſequence, no Plebeian had ſhared in it at the laſt election, and the Patricians ſeemed to have made themſelves maſters of that dignity for ever. But a ſlight occaſion ſoon put an end to their joy, and made way, as often happens, for a conſiderable event. A. R. 378. Ant.C. 374.

M. Fabius Ambuſtus had two daughters. He was a perſon highly conſidered not only amongſt the Patricians, of which order he was, but even the People, for whom he had not that haughty and contemptuous behaviour, which the reſt of the nobility affected. He had married the eldeſt of his daughters to Ser. Sulpicius, who was one of the Military Tribunes for this year; and the youngeſt to C. Licinius Stolo, a very illuſtrious perſon, but a Plebeian: and this latter alliance, which Fabius had not deſpiſed, had augmented his credit amongſt the People. One day (*a*) as the two ſiſters paſſed their

(*a*) Fortè ita incidit, ut in Ser. Sulpitii Tribuni militum domo ſorores Fabiæ, cum inter ſe (ut fit) ſermonibus tempus tererent, lictor Sulpitii, cum is de foro ſe domum reciperet, forem (ut mos eſt) virga percuteret. Cum ad id, moris ejus inſueta, expaviſſet minor Fabia, riſui ſorori fuit, miranti ignorare id ſororem. Ceterùm is riſus ſtimulos parvis mobili rebus animo muliebri ſubdidit. Frequentiâ quoque proſequentium, rogantiumque num quid vellet, credo fortunatum matrimonium ei ſororis viſum: ſuique ipſam, malo arbitrio, quo à proximis quiſque minimè anteiri vult, pœnituiſſe. Confuſam eam ex recenti morſu animi cùm pater fortè vidiſſet, percunctatus *Satin' ſalvæ*, avertentem cauſam doloris (quippe nec ſatis piam adversùs ſororem, nec admodum in virum honorificam) elicuit, comiter ſciſcitando, ut fateretur eam eſſe cauſam doloris, quod juncta impari eſſet, nupta in domo,

A. R. 378. Ant. C. 374. their time together at Sulpicius's houſe, the Lictor of that magiſtrate, who was returned home from the Forum, ſtruck the door with a rod which he carried in his hand, as was the cuſtom. The younger Fabia, to whom this ceremony was entirely new, expreſſing ſome fear, her ſiſter laughed at her, and was ſurprized, that ſhe was ignorant of that cuſtom. The leaſt things ſometimes make great impreſſion upon the minds of women. The younger Fabia was touched to the quick by her ſiſter's deriſion; and it is probable alſo, that the croud of officers, who attended the Military Tribune, and came to receive his orders, might make her ſiſter's marriage appear more conſiderable than her own; and, through a way of thinking natural enough, though vicious, which makes people give place even to their neareſt relations with great reluctance, that ſhe conceived a diſguſt for her own condition; and that mortifying compariſon ſat heavy upon her, and made her melancholy. Her father happening to ſee her in this dejection, and aſking her how ſhe did, at firſt ſhe concealed the cauſe of a chagrin, which argued little affection for her ſiſter, and conſideration for her huſband. But at length, between queſtions and careſſes, he got the ſecret out of her, and made her confeſs, that the cauſe of her grief was her having married below her rank, and entered into a family, into which honours and authority could have no acceſs. Ambuſtus, conſoled his daughter, and bade her take courage; aſſuring her that ſhe ſhould ſoon ſee

domo, quam nec honos nec gratia intrare poſſet. Conſolans inde filiam Ambuſtus, bonum animum habere juſſit. Eoſdem propediem domi viſuram honores, quos apud ſororem videat. *Liv.*

the

the ſame honours in her houſe, as ſhe had ſeen in her ſiſter's. A. R. 378. Ant.C. 374.

From thenceforth, though a Patrician, he declared openly againſt his own order, and entered into meaſures with his ſon-in-law, and L. Sextius, a young Plebeian of extraordinary merit, and one, who by the conſent of the nobility, wanted nothing but illuſtrious birth to qualify him for pretending to the higheſt dignities of the ſtate. The People had the affair of the debts extremely at heart, and could expect no redreſs in reſpect to them, except their own order had a ſhare in the ſupreme authority of the government. They concluded that it was neceſſary to apply themſelves ſeriouſly, and direct their whole thoughts and endeavours to this end. They repreſented to themſelves, that after all the points, which the Plebeians had already carried againſt the Senate at different times, by their inflexible conſtancy in urging and ſupporting their pretenſions, there was nothing, if they exerted themſelves a little, which they might not attain, and that it would be eaſy to make themſelves equal the Patricians in honours, as well as they did in merit. The firſt ſtep they thought proper to take, was to cauſe Licinius and Sextius to be elected Tribunes of the People, in order to open themſelves a way to all the other dignities by the means of that magiſtracy.

* L. PAPIRIUS.
L. MENENIUS. A. R. 379. Ant.C. 373.
SER. SULPICIUS, &c.

C. Licinius and L. Sextius ſignalized their entrance into the Tribuneſhip by propoſing ſe-

* *Theſe Military Tribunes are not mentioned by Livy, but we find them in Diodorus Siculus.*

veral

A. R. 379. Ant. C. 373. veral laws, all in favour of the People, and contrary to the intereſts of the Senate. The firſt regarded the debts, and enacted that intereſt of debts, which had already been paid, ſhould be deducted from the principal, and that the remainder ſhould be diſcharged in three years at three equal annual payments. By the ſecond, all private perſons whatſoever were prohibited to poſſeſs more than five hundred acres * of land, and it ordained, that all the land, over and above that quantity in the poſſeſſion of individuals, ſhould be taken from them, and diſtributed amongſt thoſe who had none. By the third, it was decreed, that Military Tribunes ſhould be elected no longer, but that the aſſemblies ſhould proceed as formerly, to the election of Conſuls, of which one for the future ſhould always be a Plebeian. Never had ſo great a concern divided the two orders of the Commonwealth. It was attacking the Senate at once in whatever mankind moſt ardently deſire, poſſeſſion of lands, money and honours. The whole body of the Patricians roſe up againſt theſe propoſals. The People on their ſide ſupported the Tribunes with ardor. The city was in an univerſal tumult. Diſcord reigned univerſally: and even families were divided againſt themſelves, every one taking ſide according to their views and intereſts.

The Senators terribly alarmed by a kind of conſpiracy, ſo violent and general, which they had ſo little expected, held many aſſemblies as well public as private, and after many and long deliberations, they found no other remedy for the evil, with which they were threatened, than to engage the Tribunes of the People to oppoſe

* *The acre* (Jugerum) *was two hundred and forty feet long, and ſixſcore in breadth.* Quint. l. 1. Inſtit. c. 9. Var. l. 1. de re Ruſt. c. 10.

the demand of their collegues. This was a re- A. R. 379. Ant. C. 373.
ſource from which they had already derived great advantages, and which proved ſucceſsful at this time. When Licinius and Sextius propoſed the reading of their laws, and began to call upon the Tribes to paſs them by their ſuffrages, the Tribunes, who had been brought over by the Senate, immediately roſe up, and declared in form that they oppoſed it. The two Tribunes renewed the ſame attempt in ſeveral aſſemblies, and always with as little ſucceſs. The oppoſition of a ſingle Tribune, which conſiſted only in one word, VETO, *I forbid it, I oppoſe it*, was of ſuch force, that, without being obliged to give his reaſons for it, it equally put a ſtop to the reſolutions of the Senate, and the proceedings of his collegues the Tribunes.

The Laws were believed to be entirely rejected. Sextius then ſaid, addreſſing himſelf to the Patricians: *Since you are for giving ſo much weight to the oppoſition of the Tribunes, it is well; we conſent to it, and ſhall make uſe of the ſame weapon for the defence of the People. Call then, Fathers, aſſemblies for the election of Military Tribunes when you pleaſe. I ſhall take care that you ſhall not be ſo much delighted with the word* VETO (I OPPOSE) *which you now hear with ſo much pleaſure from the mouths of our collegues.* Their menaces were not without effect. No aſſemblies were held, except for the election of Ædiles and Tribunes of the People. Licinius and Sextius, who were continued in the office of Tribunes, ſuffered no Curule magiſtrates to be created. The Commonwealth continued five years complete in that ſituation, after which the Tribunes of the People conſented, that Military Tribunes ſhould be elected, and troops raiſed, to aid the Tuſculans beſieged by the inhabitants

A. R. 379. Ant. C. 373. habitants of Velitræ. The enemy were defeated, and the ſiege of Tuſculum raiſed. Velitræ was afterwards beſieged. The next year Military Tribunes were alſo elected.

M. FABIUS, &c.

A. R. 386. Ant. C. 366. The ſiege of Velitræ, where the army was, went on very ſlowly. A more important affair ingroſſed the attention of the public. Sextius and Licinius, who had been continued in the Tribuneſhip for the eighth time, had found means to cauſe Fabius Ambuſtus, Licinius's father-in-law, to be elected one of the Military Tribunes. Encouraged by ſo powerful a ſupport, and become, by long experience, very dexterous in managing the People, they promiſed themſelves a ſpeedy and happy ſucceſs of their undertaking, and wearied the principal Senators, in the aſſemblies, with the warm interrogations they inceſſantly made them. *Would you dare to demand*, ſaid they, *whilſt only two acres of land are aſſigned the People for their whole eſtate, that you ſhould be permitted to have more than five hundred; that each of you ſhould alone poſſeſs almoſt as much as three hundred citizens together, whilſt a Plebeian has ſcarce room enough for a little houſe and a grave? And would you have the people betrayed and cruſhed by uſury, inſtead of diſcharging themſelves by paying only the principal of their debts, continue to be laid in irons, and given up to ſlavery and puniſhment; that crouds of them ſhould every day be adjudged to their mercileſs creditors; that the homes of the nobility ſhould be filled with priſoners, and that the houſe of every Patrician ſhould be a private goal?*

They added, "That the only remedy for ſo "many evils, was to paſs a law, that for the "future one of the Conſuls ſhould neceſſarily "be

" be choſen out of the people, who might be A. R. 386. Ant. C. 366.
" the agent of their counſels, and the protector
" of their liberty. That what had happened
" in reſpect to the Military Tribuneſhip, to
" which no Plebeian had been admitted during
" more than forty years, though the entrance
" had all that time been open to them by the
" laws, inſtructed them, that the choice of a
" Plebeian Conſul ought not be left to the free-
" dom of ſuffrages. That they ought not to
" reckon Kings truly expelled Rome, and their
" liberty eſtabliſhed upon firm and ſolid foun-
" dations, till the People were in aſſured poſ-
" ſeſſion of the Conſulſhip; becauſe till then
" they would not be in a ſtate of perfect equa-
" lity with the Patricians, and divide with
" them all that diſtinguiſhed them hitherto from
" the People, command, honours, military
" glory, and nobility: advantages, which from
" thenceforth they would begin to enjoy them-
" ſelves, and would tranſmit with ſtill greater
" luſtre to their poſterity.

When the Tribunes ſaw, that this kind of diſcourſe was favourably received, they propoſed a new law, which was, that inſtead of *Duumviri*, *Decemviri* might be appointed for keeping the books of the Sibyls: that is to ſay, ten prieſts inſtead of two, of whom half ſhould be choſen out of the order of the People, and the other half out of the Senators. They could carry no point this year. Sextius and Licinius were continued in the Tribuneſhip.

T. QUINTIUS.
SER. CORNELIUS, &c. A. R. 387. Ant. C. 365.

From the beginning of the year, the diſpute concerning the laws was urged to the laſt extremity.

A. R. 387. Ant. C. 365. mity. The Senators perceived, that the two Tribunes, authors of the laws, were reſolved to go through with them, notwithſtanding the oppoſition of their collegues. Truly alarmed at ſo tenacious a perſeverance, they had recourſe to the two laſt refuges of the ſtate, the Dictatorſhip, and Camillus. Camillus appointed L. Æmilius general of the horſe. The two Tribunes on their ſide armed themſelves with courage againſt ſo terrible an oppoſition, and prepared to contend for the People with invincible conſtancy. The Dictator, ſurrounded by a troop of Patricians, entered the Forum, and ſeemed to breathe nothing but terror and menaces. The attack began at firſt between the Tribunes; the one ſide propoſing, and the other prohibiting the laws; but with this difference, the latter had only the privilege of their office for them, whereas every thing favoured the former, the nature of the laws themſelves, and the inclination of thoſe to whom they were propoſed. The firſt tribes called upon to give their ſuffrages, accepted them without heſitation, in the uſual form. * *Let it be according to your propoſal.* Camillus then broke ſilence: *Romans, ſaid he, ſince the licentiouſneſs, and not the authority, of your Tribunes governs you, and you now aboliſh the right of oppoſition, which you formerly obtained by your retreat to the ſacred mountain, in the ſame violent manner as you acquired it; in quality of Dictator I ſhall take upon me the defence of it, as well for your intereſt, as that of the Commonwealth. If Licinius and Sextius will comply with the oppoſition of their collegues, I ſhall not interpoſe my authority in your aſſemblies, and ſhall leave you to proceed in them with entire liberty:*

* Uti rogas, *that is,* Fiat, uti rogas.

But

But if your Tribunes preſume to act here, as in a city taken by ſtorm, I ſhall not ſuffer the Tribunitian power to work its own deſtruction. As the Tribunes, with a contemptuous air, purſued their point, Camillus ordered his Lictors to clear the Forum, and threatned to liſt all the youth, and to march them immediately out of the city. This menace alarmed the multitude exceſſively, but only enflamed the courage of their leader. A. R. 387. Ant. C. 365.

Before victory declared for either ſide, Camillus abdicated the Dictatorſhip, whether on account of his great age, or perhaps remembering his baniſhment, he was unwilling to enter into new conflicts with a furious people; or which ſeems moſt probable to Livy, becauſe he had been informed, that there had been ſome defect in the manner of taking the auſpices, when he was created Dictator. It is ſufficiently known to what an height of ſuperſtition the Romans carried theſe ſcrupulous obſervations. If the augur, in his preparatory prayers, pronounced one ſingle word inſtead of another, if he omitted any of the formalities preſcribed for this ceremony, and the number of them was great; it ſufficed for declaring void the deliberations or elections made in conſequence of that act of religion. Certain authors however, according to Livy, attributed the abdication of Camillus to a fine of * five hundred thouſand *Aſſes*, which the people, on the motion of the Tribunes, laid on him in caſe he exerciſed any function of his office. But what ſeems to refute this manner of relating the fact, is his accepting the Dictatorſhip again; and that at a time, when the affair of the Conſulſhip was not determined. Beſides

* *About* 1250 *l. ſterl.*

A. R. 387. Ant. C. 365. (*a*) which, we ſee, that in all the warmeſt diviſions which afterwards aroſe, the authority of the Dictatorſhip was always reſpected, and not the leaſt attempt ever made in violation of it. However it were, another Dictator was declared almoſt immediately afterwards: this was P. Manlius.

During this ſhort interval ſome aſſemblies of the People were held, in which a diverſity of intereſt and taſte between the People and the Tribunes was perfectly manifeſt with reſpect to the ſeveral heads of the law in queſtion. The latter had properly no other view, than to open themſelves a way to the Conſulſhip, and propoſed the diſtribution of lands, and the reduction of debts firſt, only to paſs the laſt article by the help of the other two, and to intereſt the People to that effect: it was for this reaſon they had agreed to tack the three propoſals together. The multitude, on the contrary, who paſſionately deſired the diſtribution of lands, and relief in reſpect to their debts, were next to indifferent about the Conſulſhip, which could never regard any but the moſt powerful of their order. Accordingly in the aſſemblies held on that head, the two firſt points were received, and the third, relating to the Conſulſhip of the Plebeians, * rejected. The affair would have terminated in this manner, if the Tribunes had not declared, that they would not ſeparate the three articles in deliberation, and that it was neceſſary to reſolve to paſs them all together. The Dictator Manlius ſeemed to give an ad-

(*a*) Quoaduſque ad memoriam noſtram Tribunitiis Conſularibuſque certatum viribus eſt, Dictaturæ ſemper altius faſtigium fuit. *Liv.*

* *The form was*, Antiquo: *that is as much as to ſay*, antiqua probo, nihil novi ſtatui volo.

vantge

vantage to the People, by appointing a Plebeian his general of the horſe, of which there had been no example till then. He choſe C. * Licinius, who had been Military Tribune. The Senators were exceedingly offended on that occaſion. The affair was not terminated this year. When the queſtion was to create Tribunes of the People for the enſuing year, Licinius and Sextius, diſſatisfied with the indifference the multitude had expreſſed for their perſonal intereſt, in affecting an unwillingneſs to be continued, acted and ſpoke in effect in the moſt proper manner for making the People grant what they moſt ardently deſired, though they ſeemed to refuſe it. They repreſented, "That "this was the ninth year, they had been in "arms againſt the Patricians, not without great "danger to their own perſons, but without any "advantage to the public. That they every "day ſaw both the laws they had propoſed, "and the whole force of the Tribunitian autho-"rity, loſe ground through the various artifi-"ces of their enemies, and ſtill more through "the ſoftneſs and indolence of the People. That, "if they would, they might ſee in an inſtant, "on the one ſide the city delivered from mer-"cileſs creditors, and on the other the lands "taken from thoſe who poſſeſſed them unjuſtly. "But that ſuch important ſervices well deſerved "ſome acknowledgment for thoſe who did "them, and that it did not conſiſt with the "generoſity of the Roman people to be atten-"tive ſolely to their own intereſts, and to neg-"lect thoſe of their defenders, by excluding "them from honours and dignities. That

A. R. 387. Ant. C. 365.

* *Plutarch erroneouſly confounds him with C. Licinius Stolo, Fabius's ſon-in-law.*

A. R. 387. Ant. C. 365. " therefore it was proper for them previouſly " to deliberate amongſt themſelves upon the " choice they ſhould think fit to make, and af- " terwards declare their opinion in the aſſembly " for the election of Tribunes. That if they " reſolved to accept the three heads of the law " together, they might continue them in the " Tribuneſhip: but that otherwiſe, it was uſe- " leſs to expoſe them for no end to the malice " and hatred of the Patricians."

Whilſt the reſt of the Senators were ſtruck mute with amazement on hearing a diſcourſe ſo full of boldneſs and arrogance, Appius Claudius Craſſus, the Decemvir's grandſon, broke ſilence, not ſo much with hopes of ſucceſs, as to vent the juſt indignation which he could no longer contain, and expreſſed himſelf much to the following effect. *I am not ignorant, Romans, of the uſual objection to our family in reſpect to its attachment to the Senate, and its oppoſition to the People. But I know alſo, that as full of reſpect and gratitude for the auguſt body which has adopted it as it has always been, it never wanted zeal for the true intereſts of the People, though it has ſometimes been forced to declare againſt their deſires, or rather againſt the injuſtice of thoſe who abuſed their credulity and confidence. And it is to this ſad neceſſity I am now reduced. Can one, whether a Patrician or Plebeian, ſee without indignation the deſpotic power which Sextius and Licinius have exerciſed over you for nine years ſucceſſively? Is there any thing dearer to you than your liberty? And yet they have the boldneſs to deprive you of it, and to declare plainly, that they will not leave you the freedom of ſuffrage in your aſſemblies and deliberations. You are not to continue us in the Tribuneſhip, ſay they, but upon a certain condition; and that modeſt condition is, that you ſhall accept our*

laws all together, whether they pleaſe you or no, whether they appear uſeful to you, or pernicious. Could the Tarquins themſelves talk in a more abſolute ſtrain? Either receive the whole, or I propoſe nothing. This is not unlike offering a man preſſed with hunger bread and poiſon, and obliging him either to take both together, or neither the one nor the other. If ſome Patrician, or which is ſtill more odious to ſome people, if ſome Claudius, ſhould hold ſuch diſcourſes to you, would you ſuffer it, Romans? And will you always then be more attentive to the perſons who ſpeak than things in themſelves; will you always be inclined to receive favourably what your own magiſtrates propoſe, and to reject every thing from ours? For to come to the point, does not the article of the law, which you refuſe to accept, and your Tribunes inſiſt upon ſo ſtrongly, tend directly to deprive you of the freedom of your ſuffrages? They are for obliging you neceſſarily to elect one of the two Conſuls out of the Plebeians: In conſequence of which, ſhould conjunctures ariſe, wherein the good of the ſtate required that two Patricians ſhould be created, you would not be at liberty to chuſe them. If your Sextius on one ſide, and the great Camillus with another Patrician on the other, demanded the Conſulſhip, you would be obliged, however againſt your will, to elect Sextius, and Camillus would run the riſque of being rejected. You may, if you pleaſe, chuſe two Plebeians Conſuls, but not two Patricians. Is this eſtabliſhing the perfect equality, ſo much boaſted of by your Tribunes, between the two orders of the ſtate? But, by this new regulation, what becomes of the auſpices, upon which all our ceremonies, enterprizes, and religion, are founded, which are as ancient as Rome itſelf, and have always been in the hands of the Patricians? What ſignifies it, ſays ſomebody, whether the chickens eat, A. R. 387. Ant. C. 365.

A. R. 387. Ant. C. 365. *whether they come ſooner or later out of their coop, and whether the birds ſing or not? (a) Theſe are petty obſervances. Agreed they are ſo: but it was by not deſpiſing theſe petty things, that our anceſtors raiſed Rome to its preſent height of greatneſs. As for us, we now profane all the ceremonies of religion, as if we had no occaſion for the favour and protection of the Gods. Theſe, Romans, are things that merit your ſerious attention. Whatever reſolution you may take, I hope the Gods will proſper and render it for the good of the commonwealth.*

Appius's ſpeech had no other effect than to defer the holding of the aſſembly for paſſing the law. The Tribunes were re-elected for the tenth time, and confined themſelves to paſſing the law concerning the *Decemviri*, or ten keepers of the Sibyl's books. Five of them were elected out of the Patricians, and the other five out of the People. This ſeemed to them a ſtep towards attaining the Conſulſhip. Contented with this victory, they agreed to the election of Military Tribunes.

A. R. 388. Ant. C. 364. *Diſputes are ſuſpended by the arrival of the Gauls, who are defeated by Camillus.* Liv. l. 6. c. 42 Plut. in Camill. p. 150.

A. & M. Cornelii, II, &c.

The ſiege of Velitræ, which had been ſpun out to ſome length, gave little pain, becauſe there was no reaſon to doubt its ſucceſs. A more juſt alarm ſuddenly ſpread, and gave the city great diſquiet. Certain advice came that the Gauls were advancing by long marches towards Rome, to avenge the defeat of their countrymen.

The fear of a misfortune like the former ſuſpended all enmity, and the public good was the

(a) Parva ſunt hæc: ſed parva iſta non contemnendo, majores noſtri maximum hanc rem fecerunt. Nunc nos, tanquam jam nihil pace Deorum opus ſit, omnes ceremonias polluimus. *Liv.*

ſole

ſole object of great and ſmall. Without any delay, Camillus, always conſidered in times of danger as the tutelary genius of Rome, was elected Dictator for the fifth time: he was then almoſt fourſcore years old. Notwithſtanding which, ſeeing the neceſſity and great danger of the commonwealth, he made no excuſes as before, but accepted that office without heſitation, and aſſembled his army. A. R. 388. Ant. C. 364.

As he knew by experience that the principal force of the Gauls conſiſted in their ſwords, which they uſed after the manner of Barbarians, that is to ſay, heavily and without addreſs, cutting downright before them, he cauſed helmets of well-poliſhed ſteel to be given to moſt of his troops, in order that they might either break the ſwords of the enemy, or make them only glance without effect: he cauſed alſo their bucklers to be bound round the edges with borders of iron, wood not being ſtrong enough to reſiſt the blows: and laſtly, he taught them to uſe long javelins, and by thruſting them under the ſwords of the Barbarians, to prevent their downright blows.

The Gauls were already upon the banks of the river Anio, with an army ſo laden with booty, that it could ſcarce march. Camillus took the field at the head of his troops, and encamped upon an hill of a very eaſy declivity with many hollow places upon it, ſo that the greateſt part of his army was not ſeen, and the reſt ſeemed to have retired to the eminences through fear. To confirm the enemy ſtill more in that opinion, he took no care to repulſe them when their parties came to forage at the very foot of the hill; but kept cloſe in his camp, which he had intrenched with great care. When he ſaw moſt of their troops diſperſed for forage, and

A. R. 388. Ant. C. 364. thoſe that remained in their camp, full of meat and wine, and ſcarce in a condition to fight, he detached his light-armed infantry before day to inſult them, and at day-break made his heavy-armed troops march down into the plain, where he drew them up in order of battle. They were very numerous, and full of ardour, contrary to the expectation of the Barbarians, who believed them no great body, and much diſcouraged.

The firſt thing that daunted the Gauls, was to ſee, that the Romans dared attack them without being forced to fight. The light-armed foot charged them before they could either poſt themſelves, or draw up in battle, puſhed them vigorouſly, and forced them to fight in their diſorder. Camillus in the mean time, with the main body of the army, attacked them with impetuoſity. The Barbarians advanced fiercely to meet him with their ſwords lifted up. But the Romans ſtopped them with their javelins, and as they oppoſed their ſtrokes with bodies covered all over with iron, the ſwords of the Gauls bent and loſt their edges. For as their temper was ſoft, and the iron of which they were made little hammered, thoſe effects were eaſy and in a manner neceſſary. Beſides which their bucklers, pierced through and ſtuck with the javelins that continued hanging in them, were ſo heavy when the Romans drew them back, that not being able to hold them up any longer, they abandoned their own arms in order to throw themſelves upon thoſe of the enemy, and to pull their javelins out of their hands: at which time the Romans, ſeeing them uncovered, employed their ſwords with ſucceſs. They cut the firſt ranks to pieces: the reſt fled, and diſperſed themſelves over the plain, without any thoughts

thoughts of retiring to their camp, which they had taken no care to intrench, ſo ſure did they believe themſelves of victory. The honour of a triumph was granted the Dictator. A. R. 388. Ant. C. 364.

This battle is ſaid to have been fought twenty-three years after the taking of Rome, and to have been the firſt ſucceſs that encouraged the Romans not to fear the Gauls, who till then had been very terrible to them. For they were perſuaded, that the firſt victories they had gained over them, were not the effect of their valour, but of ſome unforeſeen accidents, and eſpecially of the diſeaſes, which had weakened the army of the Barbarians. Their fear of them was ſo great, that in the law which diſpenced with the going to war of prieſts, thoſe with the Gauls were excepted. (*a*) Cicero, where he obſerves that Gaul from the beginnings of the empire, had always appeared very formidable to Rome in the eyes of the judicious, adds, that it was not without the peculiar providence of the Gods, nature had fortified Italy with the Alps as with a barrier and intrenchment. For, ſays he, if that entrance had been open to the multitude of ſo barbarous a nation as the Gauls, Rome had never been the ſeat and capital of the greateſt empire of the univerſe.

This victory over the Gauls was the laſt military exploit of Camillus: the taking of Velitræ was a meer effect of this expedition, which

(*a*) Nemo ſapienter de rep. noſtra cogitavit jam inde à principio hujus imperii, quin Galliam maximè timendam huic imperio putaret. —— Alpibus Italiam munierat ante natura non ſine aliquo divino numine. Nam ſi illa aditus immanitati multitudinique patuiſſet, nunquam hæc urbs ſummo imperio domicilium ac ſedem præbuiſſet. *Cic. orat. de Pro-Conſ. n.* 33 & 34.

place

A. R. 388. Ant. C. 364. place ſurrendered without fighting. But he had a terrible conflict ſtill to ſuſtain at Rome.

The Dictator Camillus terminates the diviſions. The Tribunes conſidered the victory lately gained over the enemies of the ſtate as nothing, except themſelves obtained one alſo over thoſe whom they regarded as their domeſtic enemies, that is to ſay, over the Patricians. The Senate, the better to make head againſt them, prevailed upon Camillus not to diveſt himſelf immediately of the Dictatorſhip, in hopes that by the help of his ſupreme authority he might contend more ſucceſsfully with the Tribunes. The Forum was the field of battle, where the two Orders of the State, like armies drawn up on both ſides under their reſpective leaders, were upon the point of deciding the moſt important affair that had ever been tranſacted in the aſſembly of the Roman People. The Tribunes, determined to conquer or periſh, propoſe their law with an intrepid and triumphant air, and call upon the Tribes to give their ſuffrages. Camillus, ſurrounded with the whole Senate, oppoſes their proceedings, and prevents the People from voting. It was hoped, that Camillus's perſonal authority, and that of his office, would reduce the multitude to reaſon. But the Dictatorſhip, too often employed, had loſt abundance of the credit which it had acquired at firſt by the ſingularity of the office, and the ſovereign authority annexed to it. Sextius and Licinius regarded no longer either the laws, or the firſt dignity of the commonwealth. An horrible noiſe and tumult aroſe throughout the whole Forum, which ſeemed to denounce an approaching and bloody action. And indeed the affair ſeemed incapable of terminating otherwiſe, if the Dictator had been as warm and violent as the Tribunes. He quitted the Forum, without quit-

The Senate complies with the People, and conſents that one of the Conſuls ſhould be elected out of their order.

ting his office however, and taking the Senators with him, went to the Capitol. There, he implored the Gods to appeaſe ſo great a diſorder, and to avert the fatal effects of it. He made a vow to build a temple to Concord, aſſoon as the troubles ſhould be appeaſed. A. R. 388. Ant. C. 364.

When the Senate came to deliberate upon the occaſion, diverſity of opinions occaſioned great debates; but at laſt the gentleſt and wiſeſt prevailed. This was, to comply with the People, and to permit them to chuſe one of the Conſuls out of their own body. Aſſoon as the Dictator had pronounced that decree in full aſſembly, it gave the People ſo much joy, that they were reconciled that inſtant with the Senate, and accompanied Camillus to his houſe with great acclamations and applauſes. The Conſulſhip had been inſtituted an hundred and forty-three years before this law for admitting the Plebeians into it.

The next day the Senate and People aſſembled, and decreed that to accompliſh Camillus's vow, and preſerve the remembrance of this happy reconciliation, the temple of Concord ſhould be built in a place in ſight of the Forum and *Comitium*: That a day ſhould be added to the feſtival called *Feriæ Latinæ*, which from thenceforth ſhould continue four days: That without loſing a moment's time ſacrifices ſhould be offered in all the temples, and that every Roman without exception ſhould that day wear a wreath of flowers.

Camillus afterwards held the aſſembly for the election of Conſuls, and Marcus Æmilius was elected on the ſide of the Patricians, and L. Sextius on that of the People.

Thus ended the warmeſt and moſt violent diviſion that had hitherto aroſe between the Senate

A. R. 388. Ant. C. 364. nate and People. It muſt be confeſſed, that if the commonwealth had at that time had a Dictator as violent, and as obſtinately tenacious of his purpoſe as the two Tribunes of the People were, it muſt have come to blows, to cutting of throats, and extinguiſhing diviſions in the blood of the citizens. The wiſdom of the Senate prevented ſo fatal an extremity. It is an honour to give way in ſuch conjunctures. The vanquiſhed have then glory, and the victorious ſhame.

What a pity it was that the Roman people were not enlightened by the knowledge of true religion! But in the midſt of their darkneſs, how much do they reproach us! When Camillus ſees every thing deſperate on the ſide of men, he has recourſe to the Gods, and expects every thing from their aid. When tranquillity is re-eſtabliſhed, the firſt care of the whole people is to run to the temples, to expreſs their lively and inſtant gratitude to the ſame Gods.

A. R. 389. Ant. C. 363.

M. ÆMILIUS.
L. SEXTIUS.

Conſul elected out of the People.

This year was remarkable for the Conſulſhip of what Livy calls a *New man*, which term I ſhall preſently explain; and the inſtitution of two new magiſtracies, the Prætorſhip and the office of Curule Ædiles.

What the Romans underſtood by New men, novi homines.

The Romans called him a *new man*, *novus homo*, of whoſe anceſtors none had been in the *Curule* offices, ſo called becauſe they gave thoſe who excerciſed them a right to be carried in ivory chairs, and to ſit in them in the aſſemblies. The deſcendants of thoſe, who had paſſed through theſe charges, were deemed and termed *Noble*, themſelves, their children, and all their poſterity, and formed at Rome what

was

was called the Nobility. They had alſo a right to *Images*; that is to ſay, to expoſe in the moſt conſpicuous part of their houſes the *Images* or portraits of ſuch of their anceſtors as had exerciſed thoſe offices, and to have them carried in certain public ceremonies, as in the funerals of their relations. Theſe dignities were the Conſulſhip, the Cenſorſhip, the Dictatorſhip; alſo the Curule Ædileſhip and Prætorſhip, of which laſt we ſhall ſoon ſee the inſtitution. The diviſion which began between the Patricians and Plebeians, ſubſiſted almoſt on the ſame foot between the noble and thoſe who were not ſo, breaking out more or leſs according to the difference of times and occaſions. A. R. 389. Ant. C. 363.

What I have juſt ſaid helps us to underſtand what I have repeated in the harangue of Sextius and Licinius, that the Conſulſhip was the only thing that was wanting to make the People equal the Patricians; that it would (*a*) put them into poſſeſſion of all that diſtinguiſhed the latter; and give them command, honours, military glory, and nobility, in common with the Senators. The People therefore became Noble by the Conſulſhip, and all the other Curule offices, but noble Plebeians, diſtinguiſhed from the Patricians, though generally united with them in reſpect to intereſt and manner of thinking.

L. Sextius was the firſt Plebeian elected Conſul. He might boaſt with more reaſon than (*b*) Cicero did afterwards, of having at length, after

Two new offices granted to the Senate; the Prætorſhip, and the Curule Ædileſhip.

(*a*) Quippe ex illa die in Plebem ventura omnia, quibus Patricii excellant: imperium atque honorem, gloriam belli, GENUS, NOBILITATEM.

(*b*) Cum ego tanto intervallo clauſtra iſta nobilitatis refregiſſem ut aditus Conſulatum poſthac —— non magis nobilitati quam virtuti pateret; non arbitrabar, *&c. Pro Muræn. n.* 17.

A. R. 389. Ant. C. 363. after many conflicts, forced the barriers which the nobility had till then laid in the way of the Plebeians, and of having rendered the Conſulſhip no leſs acceſſible to merit than birth. The People, in gratitude for an advantage ſo honourable to their order, granted the Senate permiſſion (1) to create a new magiſtrate to adminiſter juſtice in the city, who was called *Prætor*. This was a part of the Conſul's functions diſmembered; avocations abroad often not permitting him to diſcharge that important part of his office.

The Senate alſo acquired a ſecond magiſtracy this ſame year: this was the Curule Ædileſhip. There were already two Ædiles elected out of the People, of whom we have ſpoken at the time of their inſtitution. The latter refuſing to act in making preparation for celebrating the great games which Camillus had vowed, certain young Patricians took that care upon themſelves with joy, and the Senate laid hold of that occaſion for eſtabliſhing a new dignity peculiar to their own order, which afterwards became very conſiderable. I ſhall have occaſion to explain the functions of theſe two new offices; thoſe of the Prætorſhip at the end of this volume, and of the Ædileſhip in the beginning of the next. Spurius Furius, the ſon of Camillus, was appointed Prætor; and Cn. Quintius Capitolinus with P. Cornelius Scipio, Ædiles. The People, not to give place to the Senate, created a Plebeian Prætor in proceſs of time, and the Ædileſhip became common alſo to both orders.

(1) *Others ſay, that the Senate would not confirm the election of Sextius, till the Dictator Camillus, by way of expedient, propoſed the creation of a* PRÆTOR, *to diſcharge the civil functions of Conſul, and always to be elected out of the Patricians.*

L. GENU-

L. GENUCIUS. A. R. 390.
Q. SERVILIUS. Ant. C. 362.

Plagues, rages at Rome. Death of Camillus. Liv. l. 7. c. 2 & 3.

The three following years were hardly remarkable for any thing except the plague, which carried off a great number of citizens, ſeveral magiſtrates, and, which moſt affected the commonwealth, the great Camillus, whoſe death, though it happened at a very advanced age, was ſtill, with reſpect to the wiſhes of all Rome, in ſome meaſure immature, ſo highly was he eſteemed and revered. (*a*) He was truly ſingular and ſuper-eminent in every different condition of his fortune. The principal citizen of the commonwealth both in war and peace before his baniſhment; and ſtill more illuſtrious during it, both from the ardor with which Rome, taken by the Gauls, recalled him to her aid, and his good fortune of being re-inſtated in his country only to re-inſtate his country itſelf in her former condition. Always equal to himſelf, he afterwards ſuſtained the luſtre of his exalted reputation, during the twenty-five years he ſurvived, and was judged worthy of being conſidered after Romulus as the ſecond founder of Rome.

LECTISTERNIUM.

The plague continuing at Rome, to appeaſe the Gods, recourſe was had to the ceremony called *Lectiſternium*, which had been employed but * twice hitherto, and conſiſted in preparing

(*a*) Fuit enim verè vir unicus in omni fortuna: princeps pace belloque, priuſquam exulatum iret: clarior in exilio, vel deſiderio civitatis, quæ capta abſentis imploravit opem; vel felicitate, qua reſtitutus in patriam ſecum patriam ipſam reſtituit. Par deinde per quinque & viginti annos (tot enim poſtea vixit) titulo tantæ gloriæ fuit. dignuſque habitus, quem ſecundum à Romulo conditorem urbis Romanæ ferrent. *Liv.*

* *Livy does not mention the ſecond time this ceremony was uſed.*

beds

A. R. 390. Ant. C. 362.

beds in the temples of the Gods, in order for offering ſacrifices and celebrating feaſts there in honour of them. We have ſpoken of this ſolemnity above.

Inſtitution of the games called Ludi Scenici.

As the plague did not ceaſe, the games called *Ludi Scenici* were inſtituted in honour of the ſame Gods, that is to ſay, theatrical repreſentations, a new kind of diverſion to a warlike people, who till then had no other games nor ſhews except thoſe of the Circus. Theſe theatrical games, which at their beginning were of a groſs and ruſtic ſimplicity, have been carried in our times, ſays Livy, to ſuch an exceſs and madneſs of expence, as the revenues of the moſt opulent princes would ſcarce ſuffice to defray. The reader may conſult what has been ſaid upon theſe games in the Vth volume of the Ancient Hiſtory, and I ſhall have occaſion to ſpeak of them again in the ſequel.

Nail driven into the temple of Jupiter by the Dictator.

All theſe methods procuring no abatement of the evil that grievouſly diſtreſſed the city, and people's minds being more tormented by the ſuperſtitious enquiry after remedies, than their bodies were by the diſeaſe, ſomebody remembered an ancient very odd ceremony, for which it is hard to give any reaſon. It conſiſted in driving a nail into a temple: *clavum figere.* The Volſinians, a people of Etruria, were ſaid to have uſed it of old, for making the number of years, and that it paſſed from them to Rome: this nail was called *clavis annalis.* According to the law, this nail was to be driven upon the ides of September, that is to ſay the 13th, by the principal magiſtrate of the commonwealth. On the occaſion of the plague, which differs from that I have juſt related, a Dictator was expreſsly nominated: this was L. Manlius Imperioſus, who choſe L. Pinarius for his general of the horſe.

He

He affixed the nail in the right ſide of the temple of Jupiter. The diſeaſe undoubtedly could not hold out againſt ſo efficacious a remedy. The ſame ceremony was again employed about thirty years after, that is to ſay, by way of remedy againſt a ſtrange alienation of mind, which was conſidered as the cauſe of the multiplication of crimes in the city. A. R. 360. Ant. C. 392. Liv. l. 8. c. 18.

Brief deſcription of the functions of the Prætors, and of the manner of adminiſtring juſtice at Rome.

IT (*a*) has with reaſon been ſaid, that THE MAGISTRATE IS A SPEAKING LAW, AND THE LAW A MUTE MAGISTRATE. And indeed laws, however excellent they may be, not being capable of themſelves to apply their deciſions to particular caſes, and ſtill leſs to make themſelves reſpected, would remain without force and effect, if they did not borrow a voice to ſerve them as an interpreter to explain their will, and an authority to enforce obedience to them. Theſe they have from the magiſtrate, who properly ſpeaking is the miniſter of the law. The People, or the Prince, in a word, the State arm him with ſovereign power, of which God himſelf is the ſource and principle, and confides to his cares, the fortunes, reputations, and even lives of his citizens, (*b*) to diſ-

(*a*) Verè dici poteſt, magiſtratum eſſe loquentem legem, legem autem mutum magiſtratum. *Cic. de leg. l.* 3. *c.* 2.

(*b*) Ubi eſt ſapientia judicis? In hoc, ut non ſolùm quid poſſit, ſed etiam quid debeat, ponderet; nec quantum permiſſum meminerit ſolùm, ſed & quatenus commiſſum ſit. *Cic. pro Rab. Poſt. n.* 12.

poſe of them, not according to his pleaſure, but the ſpirit and intent of the laws.

Amongſt the Romans, the magiſtrate peculiarly charged with the keeping, maintenance, and execution of the laws, and the adminiſtration of juſtice, was called the *Prætor*.

In the origin, and according to the force of the word, the name *Prætor* ſignifies commander. It was given at firſt to the Conſuls, and in an ancient law cited by Livy, we find the term *Grand Prætor*, *Maximus Prætor*, to expreſs the perſon inveſted with the firſt office of the ſtate. This was afterwards determined to ſignify a magiſtrate, whoſe functions were a part diſmembered from thoſe of the Conſul.

PRÆTOR qui præeſt. Liv. l. 3. c. 55. Id. l. 7. c. 13.

As the Conſulſhip included the civil and military authority, the Prætorſhip alſo united thoſe two powers in itſelf, though at firſt it may appear to have been inſtituted principally for adminiſtring juſtice. It is in this latter view, that I ſhall conſider it in this place. For as to military authority, it differed only from the Conſulſhip in the Prætor's being inferior and ſubordinate to the Conſul, and receiving his orders, when both happened to be in the ſame army.

The adminiſtration of juſtice was at firſt confided to the Conſuls. But as they had too great a multiplicity of affairs upon their hands, and wars often obliged them to be abſent from the city, the Patricians prevailed, when the Plebeians were admitted to the Conſulſhip, to have this part of the Conſular power confided to a particular magiſtrate, to be elected out of their order with the name of Prætor. This new office commenced the 389th year of Rome. An hundred and twenty years after, that is to ſay, the 510th year of Rome, as the number of its inhabitants was much increaſed, and abundance of

of ſtrangers reſided there, which multiplied affairs, a new Prætor was created. Of thoſe two magiſtrates, the one adjudged the differences which aroſe between the citizens, and was called *Prætor urbanus*: the other, cauſes between the citizens and ſtrangers, and was called *Prætor peregrinus*. The circumſtances in which the ſecond Prætor was created, give reaſon to think, that the deſign alſo was to give the Conſul charged with the war againſt the Carthaginians an aſſiſtant. And accordingly that ſecond Prætor, the firſt year hiſtory mentions him, accompanied the Conſul Lutatius to the war, and had even a great ſhare in the famous victory near the iſlands Ægates. Liv. Epit. 19.

Some few years after the inſtitution of the *Prætor peregrinus*, as the two magiſtrates, whoſe province it was to adminiſter, were ſtill not enough for trying all the cauſes, the People, on the motion of the Ælbutii, two of their Tribunes, inſtituted a new tribunal of Judges. Five were choſen out of each of the Tribes, of which the number was then twenty-five, ſo that they made in all an hundred and five: but to expreſs them in a rounder and more eaſy manner, they were called *Centumviri*; and they retained that name afterwards, even when their number roſe to an hundred and fourſcore. The Prætor at firſt referred only the moſt common affairs to them: but long after, and principally under the Emperors, the moſt important cauſes were tried at their tribunal. (*a*) Quintilian tells us, that in his time the *Centumviri*, eſteeming themſelves

(*a*) Jam quibuſdam in judiciis, maximeque capitalibus, & apud Centumviros, ipſi judices exigunt ſolicitas & accuratas actiones, contemnique ſe, niſi in dicendo etiam diligentia appareat, credunt; nec doceri tantum ſed etiam delectari volunt. *Quintil. l.* 4. *c.* 1.

conſiderable judges, expected that the pleadings before them ſhould be very elaborate, without which they believed themſelves treated with contempt.

Prætors were alſo appointed for adminiſtering juſtice in the provinces, in whom the whole authority of the government veſted. Their number augmented in proportion to the new conqueſts made by the Roman people. Sicily and Sardinia falling into their hands, two new Prætors were created to govern them the 525th year of Rome. Two more were created for the two Spains, after they were conquered. L. Cornelius Sylla the Dictator added four to their number, according to Pighius.

Whilſt Rome had only one Prætor, the Patricians always retained that dignity: the Tribunes would have been aſhamed to demand, that the Senate ſhould be entirely diveſted of it. But when their number was augmented, their ambition awakened, and did not let them continue tranquil. Nothing was wanting to compleat their victory over the Patricians except carrying this place from them. After many conflicts, they had made themſelves maſters of the Curule Ædileſhip, the Conſulſhip, the Dictatorſhip, and the Cenſorſhip. The Senate, weakened and diſcouraged by ſo many loſſes, was no longer capable of oppoſing their enterprizes. It was neceſſary to give way, and to admit the Plebeians alſo to the Prætorſhip. This change happened in the 418th year of Rome.

Liv. l. 8. c. 15.

The Prætors, as well as the Conſuls, exerciſed their office one year. They were elected by the People in the aſſemblies called *Comitia Centuriata*. Lots determined their provinces. They had almoſt all the ſame enſigns of honour as

as the Conſuls; the robe bordered with purple, the Curule chair, the Lictors and *faſces*, (*a*) two in the city, and (*b*) ſix in the provinces.

The Prætor of the city, during the abſence of the Conſuls, ſupplied their place, preſided in the Senate, and in all public affairs, and had abundance of other prerogatives above their collegues.

The principal function of the Prætors was the adminiſtration of juſtice. They did not try cauſes and paſs ſentence themſelves, at leaſt commonly, but they preſided at trials, and in all things relating to judicature.

A certain number of citizens were choſen every year to exerciſe their judiciary functions in conjunction with them. They were elected, at different times, out of different bodies of the State.

At firſt none but Senators were choſen judges, and certainly they could not be elected out of a more auguſt and venerable body than the Senate was at that time. The judges were of the order of Senators, but it was not the Senate that paſſed judgment. The deliberations of that auguſt body were confined to the affairs of State.

They continued in the ſole poſſeſſion of the judicature from the foundation of Rome till the paſſing of the law *Sempronia* by C. Sempronius Gracchus in the 630th year of Rome. That Tribune of the People, reſolving to ruin the authority of the Senate, to whom he was a declared enemy, undertook to deprive them of the adminiſtration of juſtice, upon pretence of the

Appian de bell. civ. p. 362.

(*a*) Anteibant Lictores— ut hic Prætoribus anteeunt, cum faſcibus duobus. *Cic.* 2. *in Rull. n.* 92.

(*b*) Sex Lictores circumſiſtunt valentiſſimi, *&c. Verr.* 7. *n.* 151.

crying injuſtice committed by ſome Senators, who had ſuffered themſelves to be corrupted by bribes, and had acquitted criminals notoriouſly convicted of having ruined ſeveral provinces by horrible exactions. Gracchus found no difficulty in ſucceeding in his deſign, and tranſferred the adminiſtration of juſtice from the order of Senators to that of the Knights, which was a kind of middle order between the Patricians and Plebeians. Theſe judges were in number three hundred, as the Senators had been whom they ſucceeded.

From the law Sempronia to the death of Cæſar and the times that ſucceeded it, there had been many variations in reſpect to the choice of judges. The Knights did not long engroſs the ſole adminiſtration of juſtice. They were ſometimes obliged to divide it, and ſometimes excluded from it. Pompey added a third order of judges: theſe were the Tribunes, or keepers of the treaſury, *Tribuni ærarii*. Cæſar at length aſſociated the Centurions with them, and Antony carried things to ſuch an exceſs, as to give even private ſoldiers admittance to this office. Juſtice was beſt adminiſtered, when the two orders of Senators and Knights were aſſociated as Judges.

It is remarkable, that in all times when diſorder and licentiouſneſs were not exceſſive, peculiar attention was had, not only to the merit and probity, but the eſtate and fortune of the judges; no doubt with the view of ſparing them the temptation of being corrupted by preſents, to which they might have been expoſed, if their domeſtic affairs were in a bad condition.

The Prætor choſe the judges yearly out of the Order, and to the number directed either by the law or cuſtom actually in force. The liſt

on

on which the names of the judges who were to act for one year were ſet down, was called *Decuria*. The Prætor afterwards diſtributed them into claſſes, according to different matters, and kinds of trial, which were alſo expreſſed in the law. This diviſion was determined by lot.

There were two kinds of trials. The one related to civil affairs, the cauſes of private perſons, *Judicia privata*: the others had a direct or indirect relation to the intereſts of the public, *Judicia publica*. The Prætors at firſt took cognizance only of private affairs: The people reſerved others to themſelves. They appointed commiſſioners to preſide in this kind of cauſes, who were called *Quæſitores*, *Quæſtores*: in which the magiſtrate himſelf brought theſe affairs before the People. Private cauſes were very ſeldom brought before them.

The * magiſtrates uſually, for they only had that right, cited perſons accuſed of different crimes that had always ſome relation, direct or indirect, to the State, before the tribunal of the People. The great Camillus tho' innocent, was ſummoned before it by the Tribunes as having appropriated part of the ſpoils of Veii to his own advantage.

The proper object of this Tribunal of the People was what was called *crimen perduellionis*, a crime againſt the State: which included whatſoever infringed the public liberty, and proceeded from a ſpirit of enmity to the State. *Perduellis* was an old word, that ſignified *hoſtis*, enemy. Some authors confound this crime with that called *crimen majeſtatis*.

* *I include the Tribunes of the People in this term, tho' properly ſpeaking, according to Plutarch, they were not magiſtrates.*

The uſual puniſhments inflicted were fines, baniſhment, and death. With whatever warmth the Roman People perſecuted a citizen, who was become odious to them, for having oppoſed their ſuppoſed intereſts with too much vigour, they were very moderate in their condemnations, which ſeldom exceeded a fine.

The word *baniſhment* was not expreſſly uſed either in their laws or trials. The perſon condemned was only *prohibited the uſe of fire and water*, which neceſſarily implied baniſhment. The People ſuffered the accuſed to prevent judgment, even when it extended to death, and to exempt himſelf from it, by retiring into voluntary baniſhment. This made (*a*) Cicero ſay, that exile was not puniſhment, but a port, an aſylum, where the accuſed found ſecurity againſt puniſhment. The caſes however are to be excepted from this indulgence, whereby the public liberty was indangered: for then they ſhut their eyes to all other objects, and gave intirely into juſt ſeverity, as in the affair of Manlius, and others of the like nature.

Liv. l. 3. 13, and 56. It appears from Livy, that a Roman citizen was not impriſoned, till he had been firſt heard and condemned.

Criminals were put to death either by cutting off their heads with the axes carried by the Lictors; crucifixion, which was the puniſhment of ſlaves; ſtrangling; or being thrown from the Tarpeian rock. In the two firſt caſes the pri-

(*a*) Exilium non ſupplicium eſt, ſ d perfugium portuſque ſupplicii. Nam qui volunt pœnam aliquam ſubterfugere, aut calamitatem, eo ſolum vertunt —— & confugiunt quaſi ad aram in exilium —— Itaque nulla in lege noſtra reperietur, ut apud cæteras civitates, maleficium ullum exilio eſſe multatum. *Pro Cæcin. n.* 100.

ſoner

ſoner was always ſcourged with rods before execution. The ſcourging and crucifixion of JESUS CHRIST, which had been clearly foretold in the ſcriptures, could not have happened, if he had not been tried by the Roman magiſtrate. For the law of Moſes did not inflict thoſe two puniſhments upon the Iſraelites.

As to thoſe condemned to be ſtrangled, they were executed within the priſon. Officers, called *Triumviri*, had the general direction of the priſons, and took care, that every thing paſſed in them with due order. Valerius Maximus relates a very ſingular fact upon this ſubject. A woman of ingenuous birth had been condemned to be ſtrangled, probably either for adultery or poiſoning. The Prætor delivered her up to the Triumvir, who cauſed her to be carried to priſon, in order to her being put to death. The goaler, who was ordered to execute her, took compaſſion upon her, and could not reſolve to put her to death. He choſe therefore to let her die of hunger. Beſides which; he ſuffered her daughter to ſee her in priſon; taking care however, that ſhe brought her nothing to eat. As this continued many days, he was ſurprized that the priſoner lived ſo long without eating, and ſuſpecting the daughter, upon watching her, he diſcovered that ſhe nouriſhed her mother with her own milk. Amazed at ſo pious and at the ſame time ſo ingenious an invention, he told the fact to the Triumvir, and the Triumvir to the Prætor, who believed the thing merited relating in the aſſembly of the People. The criminal was pardoned: a decree was paſſed that the mother and daughter ſhould be ſubſiſted for the reſt of their lives at the expence of the public, and that a temple ſacred to piety ſhould be erected near the priſon.

Val. Max. l. 5. 4.

Plin. Hiſt. l. 7. 36.

I ſhould

I ſhould aſk pardon for the length of this narration; but the ſingularity of the fact drew me into it almoſt againſt my will.

In the early times of Rome, juſtice was adminiſtred there much in the manner I have related hitherto: for I have omitted many circumſtances. Things ſubſiſted in this condition a conſiderable length of time. The two Prætors, who remained in the city, preſided at trials of private and civil affairs, the one between the citizens, as they expreſſed themſelves; the other between the citizens and ſtrangers. The four afterwards added for the provinces, aſſoon as they were nominated by the People, ſet out each for that which had fallen to him by lot.

A change happened in the manner of adminiſtring juſtice in criminal affairs, when what was called *perpetual queſtions or enquiries into crimes*, *quæſtiones perpetuæ*, were inſtituted. The date of them is not certain. They were ſo called, becauſe the law preſcribed the principles, which were regularly and invariably to be followed in trying certain matters of a public nature therein expreſſed, whereas before, when any of thoſe matters was brought to a trial, a new law was neceſſary for preſcribing the form, and fixing the principles, to be obſerved in it. The two Prætors for the city continued to exerciſe their juriſdiction there as before. The four others no longer ſet out for their provinces immediately after their election as formerly, but continued an whole year in Rome, where they exerciſed their juriſdiction in reſpect to public affairs, which were at firſt reduced to four heads, or crimes: *Repetundarum*, oppreſſive exactions: *Ambitus*, making corrupt intereſt for offices: *Majeſtatis*, treaſon: *Peculatus*, embezzling the public money. *Repetundæ* was robbing private

perſons; and *Peculatus* the public. The ſix Prætors drew lots for theſe different functions, as well civil as criminal. After the four laſt had exerciſed them during an year at Rome, they went to their reſpective provinces, which alſo fell to them by lot, and governed there as ſovereigns, uniting the military command with the adminiſtration of juſtice during a ſecond year under the title of *Proprætors*.

The number of *perpetual queſtions*, that is to ſay, cauſes relating to the intereſts of the public, multiplying, the number of Prætors was alſo augmented, and Sylla added two or four to the ſix, who had been inſtituted before.

After what has been ſaid upon the choice of judges, and the diverſity of trials, it is time for the Prætor to exerciſe his office.

Aſſoon as he entered upon it, he declared by a public edict, which was called *edictum perpetuum*, upon what principles of Right cauſes were to be tried during the year of his Prætorſhip. This was inſtituted the 686th year of Rome, in the Conſulſhip of Calpurnius Piſo and Acilius Glabrio, by the law *Cornelia*, to obviate the inconvenience of arbitrary deciſions, wherein the Prætor and judges obſerved no other rules than their prejudices or paſſions.

By this law it was ordained, that the Prætor ſhould be obliged to diſpence juſtice according to the edict, which he ſhould publiſh on entering upon office. In this ſenſe it was called *perpetual*: for it did not extend to his ſucceſſors. It did not acquire the name of *perpetual Edict*, till Adrian's time, who cauſed a collection of the principal edicts to be made by Julian the great civilian, which he confirmed, and gave the title of perpetual Edict.

The

The (*a*) place for diſpenſing juſtice was not fixed, and depended on the Prætor: wherever the Prætor held his ſittings, it was called *Jus*. He held them moſt commonly in the Forum. The Curule chair on which he ſat was placed above the judges, who ſat on benches under him. The (*b*) place where the Prætor and judges heard cauſes, was called the Prætor's Tribunal.

Juſtice was alſo diſpenſed in other places. In Rome there were great and magnificent halls called *Baſilicæ*, ſurrounded with piazzas, where the judges aſſembled. Quintilian ſpeaks of the (*c*) *Baſilica Julia*, where four different tribunals were held at the ſame time, and obſerves that an advocate, named Trachalus, had ſo ſtrong a voice, that pleading at one of thoſe tribunals, he made himſelf not only be heard but praiſed and admired at the three others. He ſpeaks alſo of a famous profeſſor of rhetoric, who (*d*) being to plead his firſt cauſe before the Prætor at a Tribunal in the open air, was much confounded and perplexed, becauſe till then he had always ſpoke within the narrow compaſs of his ſchool, and demanded as a favour that the tri-

(*a*) Ubicumque prætor, ſalva majeſtate imperii ſui, ſalvoque more majorum jus dicere conſtituit, is locus recte *jus* appellatur. *Paulus lege* 2. *Digeſt. de juſtitia & jure*

(*b*) Nobis in Tribunali Q. Pompeii Prætoris urbani ſedentibus. *Cic.* 1. *de Orat.* n. 168.

(*c*) Cum in Baſilica Julia Trachalus diceret primo tribunali, quatuor autem judicia, ut moris eſt, cogerentur atque omnia clamoribus fremerent, & auditum eum, & intellectum, & quod agentibus ceteris contumelioſiſſimum fuit, laudatum quoque ex quatuor tribunalibus memini. *Quintil. l.* 12. 5.

(*d*) Cum cauſa in foro eſſet oranda, impensè petiit, uti ſubſellia in Baſilicam transferrentur. Ita illi novum cœlum fuit, ut omnis ejus eloquentia contineri tecto ac parietibus videretur. *Quintil. l.* 10. 5.

bunal

bunal might be transferred into a neighbouring *Baſilica*.

Juſtice could be diſpenſed only on certain days, which were called *dies faſti*. The knowledge of this difference of days, was in early times a kind of myſtery, which the Pontiffs had engroſſed to themſelves, and kept ſecret, in order to render themſelves neceſſary, and oblige the pleaders to have recourſe to them. We ſhall ſoon ſee in the hiſtory that the Regiſter Flavius ſtole their ſecret, and occaſioned their loſing much of their credit by making it public.

The Prætor drew by lot out of the judges, choſen to adminiſter juſtice for the current year, the number neceſſary for trying the cauſe in queſtion. That number which was always odd, was not fixed, but varied according to the difference of cauſes. Cicero ſpeaks of a cauſe, wherein there were ſeventy-five judges, and of another that had thirty three. In the latter, one of the judges called Stalenus, had received ſix hundred and forty thouſand ſeſterces from the accuſed, that is to ſay about four thouſand pounds ſterling. He was to have diſtributed about 250 pounds to each of the ſixteen judges, who compoſed one half of the voices: and himſelf the ſeventeenth made the plurality: But he kept the whole to himſelf, and the accuſed was condemned.

In Piſ. n. 96.

Pro Cluen. n. 74.

Each party in a cauſe might refuſe a certain number of the judges. Accordingly, in Milo's affair, fourſcore and one judges were at firſt appointed to try the cauſe. After the pleadings, before the judges paſſed ſentence, both the accuſer and the accuſed rejected fifteen, ſo that the number of the judges was reduced to fifty one. On other occaſions the Prætor ſubſtituted

others

others in the room of thoſe who had been rejected, and always by lot.

It is remarkable, that the (*a*) Romans, not only in important cauſes, but even in thoſe for no more than a ſmall ſum of money, would admit no judge that was not accepted by both parties.

The Prætor received the oath of the judges, before they proceeded to try a cauſe; as for himſelf he took no oath, becauſe, as we have already obſerved, he did not act as judge himſelf, but only collected the voices of the judges, and paſſed ſentence according to the majority.

Amongſt the judges, there was one who had a peculiar authority, ſubordinate to that of the Prætor, but ſuperior to that of the other judges: he was called *Judex quæſtionis*. He had ſeveral things confided to his care, to which the Prætor's occupations, or dignity, would not admit him to attend. He heard witneſſes; he preſided in putting ſlaves to the queſtion by torture; and examined the papers and titles produced by the parties at law. As different tribunals were held at the ſame time, at which the Prætor could not be preſent; theſe judges (*Judices quæſtionum*) preſided in them in their ſtead.

When every thing was ready, the judges took their ſeats, and the advocates attended to plead. The cuſtom of (1) Referring cauſes which had not been ſufficiently made out at the hear-

(*a*) Neminem voluerunt majores noſtri, non modò de exiſtimatione cujuſquam, ſed ne pecuniaria quidem de re minima eſſe Judicem, niſi qui inter adverſarios conveniſſet. *Pro Cluent. n.* 120.

(1) *This is a form in the French courts of law, called* Appointer un procès, *a delay granted for correcting and amending proceedings, proofs, &c. in doubtful caſes, and for other reaſons.*

ing

ing for the judges to decide concerning them, was not known then. When an affair was not ſufficiently cleared up at a firſt pleading, it was ordered to be tried over again a ſecond time; and if that would not do, a third. There are inſtances of cauſes pleaded over again in this manner eight times. This was called *Firſt action*, *ſecond action*, and ſo on to the reſt. We have a famous example of theſe firſt and ſecond actions in the cauſe of Verres.

Cicero had declared himſelf the accuſer of Verres, who had publickly commited unheard of rapine in Sicily, and had made choice of Hortenſius for his advocate. The latter took all poſſible meaſures to ſpin out the affair till the next year, when he was to be Conſul with Q. Metellus, and M. Metellus was to be Prætor; all three entirely devoted to Verres. Cicero, to diſconcert his meaſures, and cauſe juſtice to be done Sicily, demanded, that he might be permitted to plead his cauſe at firſt quite ſimply, in producing upon each head of accuſation the witneſſes and proofs, and obliging Hortenſius to anſwer ſummarily to each fact. Accordingly he pleaded it in that manner. The diſcourſe intituled, *Actio prima in C. Verrem*, is the introduction of that firſt pleading, which had all the ſucceſs he had hoped from it. Hortenſius, diſconcerted by this manner of pleading, did not dare to anſwer it, and Verres, not having been able to corrupt the greateſt number of the judges, condemned himſelf to baniſhment. The admirable pleadings againſt Verres which Cicero has left us, would have acquired him univerſal applauſe, if he had pronounced them; but they would have required ſeveral audiences, and protracted the affair till the year following. He ſacrificed the regard for his own reputation

to

to the intereſt of his clients: But after having made them carry their cauſe, he took care to make himſelf amends for his voluntary loſs, by giving his pleadings to the public, wherein he ſuppoſes that Verres had appeared before the judges in a ſecond action called *comperendinatio*; becauſe when the firſt action was terminated, * *perendino die*, three days after, the ſecond commenced. We have five of theſe pleadings, under this title: *Liber* 1. *Actionis* 2æ. *in Verrem. Liber* 2. *&c.*

Several orators ſometimes pleaded the ſame cauſe. This did not happen only, when there were ſeveral perſons intereſted in the ſame affair, as is every day commonly practiſed: but different parts of the ſame pleading were diſtributed amongſt different advocates. Cicero (*a*) ſays, that in this caſe, the Peroration or *concluſion upon the whole*, was generally allotted to him, becauſe he was thought the moſt proper for exciting the paſſions. Quintilian (*b*) ſays as much of himſelf in reſpect to the Narration, or *opening of the cauſe*. This cuſtom ſeems odd enough, and is blamed by Cicero in more than one paſſage of his works.

The advocates were uſually allowed as much time for pleading as they thought fit. I am terrified when I read that Pliny the younger ſpoke ſeven hours together, whilſt nobody was tired but himſelf. Sometimes a certain ſpace of time was preſcribed, which the orator was not allowed to exceed. Cicero complains, that

* Scies igitur cras, aut ad ſummum perendie. *Cic. ad Attic. l.* 12. *c.* 34.

(*a*) Si plures dicebamus, perorationem mihi tamen omnes relinquebant. In quo ut viderer excellere, non ingenio, ſed dolore aſſequebar. *Orat. n.* 130.

(*b*) Ferè ponendæ à me cauſæ officium exigebatur. *Quintil. l.* 4. *c.* 2.

in

in a certain cauſe he was limited to half an hour. That time was meaſured by a water-hour-glaſs called *clepſydra*. From thence Quintilian ſays, in ſpeaking of an advocate that loſes his time in uſeleſs digreſſions, *temporibus præfinitis aquam perdit*: and of another, who having laboured a long pleading could only pronounce a part of it within the time: *laboratam congeſtamque dierum & noctium ſtudio actionem aqua deficit.*

When the pleadings, and replies, if there were any, were ended, the Prætor gave the judges the ballots, on which the votes they ſhould think fit to give, were marked. That for acquitting, was marked with an A; that to condemn with a C; and the third with N L, which ſignified *non liquet*, the caſe is not ſufficiently clear. After having received theſe ballots, the judges conferred together concerning the cauſe, *in conſilium ibant*: after which each of them threw the ballot that expreſſed his opinion into the urn. This cuſtom was eſtabliſhed, that the judge might be entirely free to paſs ſentence without witneſſes: but at the ſame time it was his duty not to abuſe it, by giving his ſuffrage contrary to juſtice. Cicero makes a fine reflexion upon this head. *The (a) judge in giving his ſuffrage, ought not to conſider himſelf as alone, nor that he is at liberty to pronounce according to his own inclination; but to repreſent to himſelf that he has around him Law, Religion, Equity, Integrity, and Fidelity, which form his council, and ought to dictate his voice.*

(a) Eſt illud hominis magni atque ſapientis, cum illam judicandi cauſa tabellam ſumpſerit, non ſe putare eſſe ſolum, neque ſibi quodcumque concupiverit licere, ſed habere in conſilio legem, religionem, æquitatem, fidem. *Pro Cluent. n.* 159.

The Prætor laſtly collected the ballots thrown into the urn, and pronounced according to the majority. The form of paſſing judgment was, for acquitting, *Non videtur feciſſe*, he does not ſeem to have committed ſuch an action, or, *jure videtur feciſſe*, he ſeems to have acted with juſtice: for condemning, *videtur feciſſe*, he ſeems to have committed ſuch an action, or *non jure videtur feciſſe*, he does not ſeem to have acted juſtice: for a more ample examination, and a ſecond trial, *Ampliùs cognoſcendum*, or in the ſingle word *Ampliùs:* from whence came the terms *ampliare*, *Ampliùs cognoſcendum*. The modeſt turn of phraſe, which cuſtom had eſtabliſhed in the form of paſſing judgment, is worthy of obſervation. As the knowledge of men is always limited, and often ſubject to error, it was not thought proper, that the Prætor ſhould paſs ſentence in the affirmative terms, *he has acted unjuſtly*, &c. but in a more modeſt words, *he ſeems to have acted unjuſtly*, &c.

The Prætor uſually added to the judgment he pronounced, the puniſhment to be inflicted upon the criminal. *He ſeems to have committed violence, wherefore he is prohibited the uſe of fire and water.*

I reſerve what regards the functions of the Ædiles for the beginning of the next volume, to avoid ſwelling this too much.

End of the ſecond Volume.

ALPHABETICAL

VOCABULARY

OF

ITALY

PROPERLY SO CALLED;

Wherein the ancient names of Countries, People, Cities, Rivers, that occur in Mr. *Rollin*'s Roman Hiſtory, are rendered in their vulgar and modern names.

By Mr. *D'Anville*, Geographer in Ordinary to LEWIS XV.

A

ACHERON River, *Bato.*
Acheruntia, *Cerenza.*
ÆQUI, *part of the country of the Sabines, and of the Campagna di Roma.*
Æſarus River, *Iſauro.*
Æſernia, *Iſernia.*
Æſis, *Jeſi.*
Æſis River, *Fium-Æſino.*
Alba Fucentis, *Albi.*
Alba-longa, *Palazzolo.*
Allifæ, *Aliſi.*
Ameria, *Amelia.*
Amiternum, *Amiterno rouinato.*
Anagnia, *Anagni.*
Ancona, *Ancona.*
Anio River, *Teverone.*
Antium, *Torre di Capo d' Antio.*
APULIA, PUGLIA, or LA POUILLE.
Ardea, *Ardea.*
Ariminum, *Rimini.*
Arnus River, *Arno.*
Arpi, *Arpi.*
Arpinum, *Arpino.*
Arretium, *Arrezzo.*
Aſculum-Apulum, *Aſcoli.*
Aſculum-Picenum, *Aſcoli.*
Aternus River, *Aterno.*
Aufidena, *Alfidena.*
Aufidus River, *Oſanto.*
Auximum, *Oſimo.*

B

Barium, *Bari.*
Beneventum, *Benevento.*
Bononia, *Bologna.*
Bovianum, *Boiano.*
Brundufium, *Brindiſi.*
BRUTTIUM, *Calabria.*

C

Cære vel Agylla, *Cer-veteri.*
Calatia, *Cajazzo.*
Cales, *Calvi.*
Cajeta, *Gaeta.*
Camerinum, *Camerino.*

CAMPANIA, *Terra di Lavoro.*
Cannæ, *Canna diſtrutta.*
Canuſium, *Canoſa.*
Capena, *Civitella di S. Paolo.*
Capreæ Inſ. *Iſola de Capri.*
Capua, *S. Maria de Capoa,* two miles from new Capua.
Carſeoli, *Cella di Carſoli,* or *Civita Carentia.*
Caſilinum, *New Capua.*
Caudium, *Furchia.*
Centum-cellæ, *Civita-vecchia.*
Ciminus Ms. & Saltus, *Montagna di Viterbo.*
Cingulum, *Cingolo.*
Circæum Prom. *Monte Circello.*
Clanis River, *Chiano.*
Cliternia, *Civita-a-Mare.*
Cluſina Palus, *Chiana.*
Cluſium, *Chiuſi.*
Cocintum Prom. *Capo di Stilo.*
Compſa, *Conza.*
Conſentia, *Coſenza.*
Corſinium, *Valva.*
Crathis River, *Crate.*
Crimiſa Prom. *Capo dell' Alice.*
Crotona (Brutii) *Cotrona.*
Crotona (Etruriæ) *Cortona.*
Cumæ, *Cuma.*
Cures, Correſe.

D

DAUNIA, *Capitanata.*

E

Egnatia, *Torre di Adanazzo.*
ETRURIA vel TUSCIA; TUSCANY, *including part of the Eccleſiaſtic State to the weſt of the Tiber.*

F

Fæſulæ, *Fieſole.*
Falerii, *Sta. Maria di Falari.*
Firmum, Fermo.
Florentium, *Fiorenzo, or Florence.*
Formiæ, *Mola.*
Forum Appii, *Bargo-longo,*
Fregellæ *(no trace of it.)*
Frentani, *part of Abruzzo-citerior, of the county of Moliſa and Capitanata.*
Fucinus Lac. *Lago di Celano.*
Fundi, *Fondi.*

G

Galeſus River, *Faro.*
Garganus Mons & Prom. *Monte Sant Angelo.*

H

Hadria, *Atri.*
Helia, vel Velia, *Caſtello-a-Mare della Brucca.*
Heraclea (*I do not know its modern name.*)
Herculis Labronis Portus, *Livorno or Leghorn.*
Herculis Prom. *Capo di Sparto-vento.*
Herdonea, *Ardona.*
Hernici, *part of the Campagna di Roma.*
Hipponium, poſtea Vibo, *Bivona.*
HIRPINI, *part of Terra di Lavoro.*
Hydruntum, *Otranto.*

I

Iapygium Prom. & Salentinum, *Capo di Sta. Maria.*
Iapygum tria Prom. (*the principal is called Capo Rizzuto.*)
Ilva Inſ. *The iſle of Elbe.*
Inter-amna Nartes, *Terni.*

L

Lacinium Prom. *Capo della Colonne.*
Larinum, *Larino.*
LATINES, *part of the Campagna di Roma.*
Lavinium, *Pratica.*
Laurentum, *Torre di Paterno,*
Laus Riv. & cit. *Laino.*
Leuco-petra Prom. *Capo dell' Armi.*

LIGU-

LIGURES. (*Their territory extended on the South of the Apennines to the river Arno, before the bounds of Etruria were carried as far as the river Magra.*)
Liris, prius Clanis, Riv. *Garigliano.*
Locri Epy-zephyrii, *Motta di Burſano.*
Luca, *Lucca.*
LUCANIA, *Baſilicata and part of Terra di Lavoro.*
Luceria, *Lucera delli Pagani.*

M

Macra Riv. *Magra.*
Magelli, *Val di Mugello.*
Marrubium (*there are ſome traces of it to the eaſt of the Lake di Celano.*)
MARRUCINI, *part of Abruzzo citerior.*
MARSI, *part of Abruzzo ulterior.*
MESSAPIA vel IAPYGIA, *Terra d'Otranto.*
Metapontum, *Torre di Mare.*
Metaurus Riv. (Brutii) *Marro.*
Metaurus Riv. *Metro.*
Mevania, *Bevagna.*
Minturnæ, *Garigliano.*
Miſenum Prom. *Capo Miſeno.*

N

Nar Riv. *Nera.*
Narnia, prius Nequinum, *Narni.*
Neæthus Riv. *Neeto.*
Neapolis, prius Parthenope, *Napoli or Naples.*
Nola, *Nola.*
Nuceria (duplex) *Nocera.*
Nurſia, *Norcia.*

O

Ocriculum, *Cruiris under Otricoli.*
Oſtia (*ruins below new Oſtia.*)

P

Pæſtum vel Poſidonia, *Peſti.*
Polinurum Prom. *Capo di Palimoro.*
Pandoſia (*at Volvicara or thereabouts, upon the river Bato, and not near Coſenza.*)
PELIGNI, *part of Abruzzo ulterior.*
Peruſio, *Perugia or Perouſa.*
Petilia, *Strongoli.*
PEUCETIA, *Terra di Bari.*
Picentia, *Bicenza.*
Picentini, *part of Terra di Lavoro.*
Picenum, *Marquiſates of Ancona and Fermo.*
Pinna-Veſtina, *Civita di Penna.*
Piſæ, *Piſa.*
Piſaurum, *Petauro.*
Pithecuſa Inſ. *Iſchia.*
Pomptinæ Paludes, *Paludi Pontines.*
Pontia Inſ. *Ponza.*
Populonium, *Populonia diſtrutta.*
Portus Herculis, *Porto-Hercole.*
Portus-veneris, *Porto-Venere.*
Potentia (Lucaniæ) *Potenza.*
Potentia (Piceni) *at the mouth of Fiume-Potenza.*
Prænesſte, *Paleſtrine.*
Prænesſtina Arx, *Monte S. Pietro.*
Puteoli, *Pozzuolo or Pouzoli.*
Pyxus vel Buxentum, *Poli-Caſtro, at the mouth of Fiume-Busento.*

R

Ravenna, *Ravenna.*
Reate, *Riete.*
Rhegium, *Rhegio.*
Rhenus River *Reno.*
ROMA.
Rubico River, *Rubicone, or Fiumicino.*

SABINI,

S

SABINI, *Sabinia, and part of the dutchy of Spoleto.*
Salapia, *Salpe.*
SALENTINI, *part of the Terra d' Otranto.*
Salernum, *Salerno.*
Salvia, *Salvi rouinata.*
Samnium, *county of Molisa, and part of Terra di Lavoro.*
Scylacium, *Squillace.*
Scylla, *Sciglio.*
Sena-Gallica, *Senigaglia.*
Sena (Julia) *Siena or Sienna.*
SENONES, *Dutchy of Urbino.*
Sentinum, *Sentina rouinata.*
Sibaris River, *Sibari.*
Sibaris, postea Thurii, *Sibari rouinata.*
Sinuessa, Sinoessa (*in ruins.*)
Sipontum, *Siponto rouinato.* (*Manfredonia has taken its place,*)
Siris River, *Siro.*
Sora, *Sora,*
Soracte, Ms. *Monte di S. Oreste.*
Spoletium, *Spoleto.*
Suessa - Pometia, *Cisterna-Pontina.*
Sulmo, *Sulmona.*
Surrentum, *Sorrento.*

T

Tanager River, *Negro.*
Tarentum, *Taranto or Trut.*
Tarquinii, *la Turchina.*
Teanum Apulum, *Civitare near Dragonera.*
Teanum Sidicinum, *Fiano.*
Teate, *Tieti or Chiete.*
Terracina, prius Anxur, *Terracina.*
Tiberis River, olim Albula, *the Tiber or Tevere.*
Tibur, Tivoli.
Tifernas River, *Tiferna.*
Tifernum, *Citta di Castello.*
Talentinum, *Tolentino.*
Trasimenus Lac. *Lago di Perugia.*
Truentus River, *Tronto.*
Tusculum, *Frascati.*

V

Vada Valaterrana, *Torre di Vada.*
Vadimonis Lac. *Lago di Bassano.*
Varia, *Vico-Varo.*
Veii (*ruins of it remain.*)
Velitræ, *Velletri.*
Venafrum, *Venafro.*
Venusia, Venosa.
Vestini, *part of Abruzzo ulterior.*
Vetulonii, *Vetulia distrutta.*
Umbria, *Ombria and Dutchy of Urbino.*
Umbro River, *Ombrone.*
Volaterræ, *Volterra.*
VOLSCI, *part of the Campagna di Roma.*
Urbinum (duplex) Hortense, *Urbino.*
Metaureense, *Castel-Durante.*
Vulsinii, *Bolsena.*
Vulsinienfis Lac. *Lago di Bolsena.*
Vultur Ms. (*branch of the Appennines.*)
Vulturnus River, *Volturno.*

Z

Zephyrium Prom. *Capo Burzano.*

End of the VOCABULARY.

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